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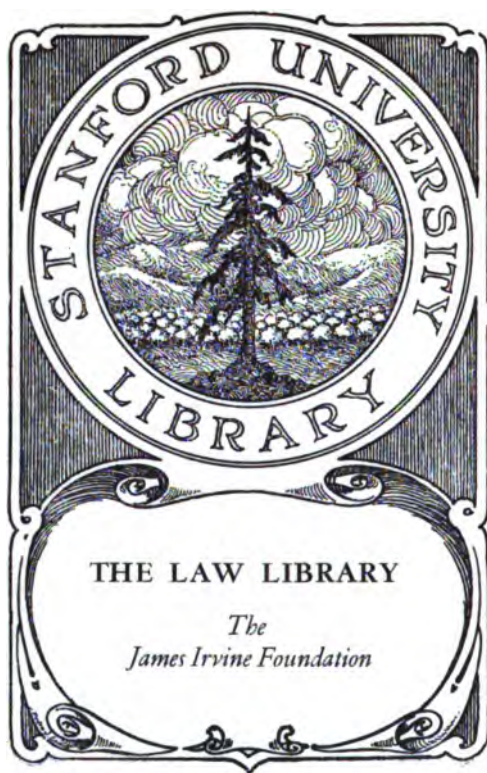
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TO THE PRESENT TIME;

AS WELL AS AN
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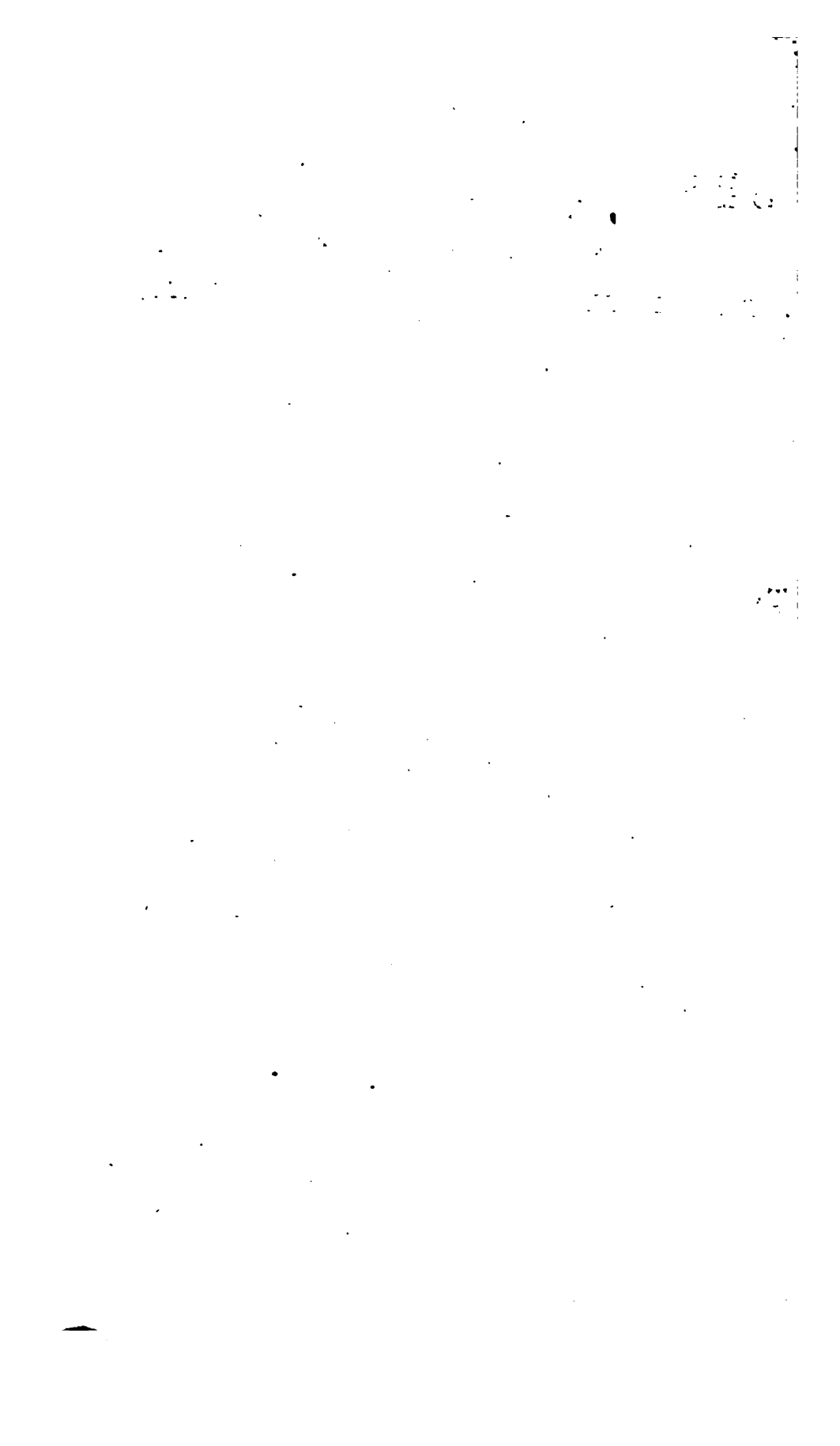
By JOHN WENTWORTH, Esq.
OF THE INNER TEMPLE, BARRISTER AT LAW.

*Ne quæ Studio dispêcta fidei
Intellecta priusquam sint contempta relinquant.* LUCRET.

V O L. IV.
AND THE FIRST OF THE CRIMINAL DIVISION.

CONTAINING
INDICTMENTS, INFORMATIONS, &c.

L O N D O N :
PRINTED FOR G. G. AND J. ROBINSON, PATERNOSTER-ROW.



THIS Volume, the Fourth of the Work and the First of the Criminal Division, contains *Indictments* and *Informations*. It was my original intention to have made these the subject of my Second Volume, and to have continued publishing a Volume of the Criminal part, alternately, with one of the Civil. The causes which have hitherto prevented me from adopting this plan arose from impediments thrown in my way by the person whom I first employed in the publication of this work, and are of too personal a nature to interest the public. The delay, however, has been so far fortunate, as it has enabled me to make this branch of the work more perfect, by the addition of many valuable precedents, which, in the meantime, have been kindly communicated to me.

BOTH in pursuance of my design, and in justice to the collections of Precedents already published, I have religiously abstained from republishing any precedents before in print, and have contented myself

with referring to them in my INDEX. This, in particular, will account for the few precedents under the Head of Felonies being introduced into this Volume.

THE precedents for almost every description of Felonies, whether at Common Law or by Statute, having been already given to the public in the Crown Circuit Companion and the Crown Circuit Assistant, especially the last, so well and so fully, that the copiousness of it becomes its least merit, when considered with its correctness and precision. I cannot but think, however, that the arrangement of the Precedents and the Index to both of those Collections are capable of some little improvement; and have therefore digested them in the Index to my own Precedents, having made such alterations and additions as occurred to me, on a careful perusal, to be necessary. Offences, such as killing a fish in a gentleman's pond in his park, being found for a month together in company with Egyptians (*a*) and others of this description, not clergyable (some of which are still suffered to stain our statute-book), I have altogether omitted, and trust, that in so doing, I shall be thought to have consulted the credit and interest of my profession.

(*a*) The statute creating this offence has lately been repealed.

THE Fourth and Sixth Volumes, then, of my general Work, or what may be considered as the First and Second Volumes of the Criminal Division, will contain, chiefly, precedents for INDICTMENTS for MISDEMEANORS; 2dly, INFORMATIONS, and herein more particularly such as relate to the EXCISE and CUSTOMS; 3dly, CONVICTIONS, &c. and PROCEEDINGS before JUSTICES of the Peace. In this distribution I have observed the original method I prescribed to myself, and at the same time marshalled the different offences under their proper heads, after Mr. SERJEANT HAWKINS's admirable Analysis, by a complete Index, as well of the precedents contained in this work, as of all others to be met with in the Reporters, and more particularly those books of precedents the Crown Circuit Companion and Crown Circuit Assistant.

It remains for me to add a word respecting the precedents now offered to the public. The far greater part of them are taken from the valuable manuscript collections of several eminent practitioners who have been most conversant in framing Indictments and Informations, and most consulted on Criminal Prosecutions; and as the names of those by whom they have been settled are subjoined to many of them, of the value of these precedents such names will be the best criterion. With respect to these I speak confidently.

dently. The remainder have been selected out of a private collection of my own; but with what care and discrimination, and how far they are to be relied upon, I must leave, with proper humility, to the Profession and to time, the common and final arbiter, to determine.

HERE I might close: nor is it within the design or compass of these prefatory lines to enter upon a discussion concerning the abstract nature of Criminal Law in general, or about the *reason* of our own in particular. This would require a treatise of itself. But as it is the fashion to decry the criminal part of our Jurisprudence, and as the interest and *consolation* of the Author are necessarily involved in the utility of the subject of his labours, he hopes it may be permitted to him, without being thought impertinent, to indulge himself in offering a few sentiments that have presented themselves to him in a long course of reading and compiling. Contemplating, therefore, the many wholesome precautions interposed by the Legislature in behalf of the life, liberty, and property of the subject, the coincidence in opinion of two juries, the assistance of counsel, the scrupulous nicety with which criminal charges must be stated, defined, and proved, and in cases of hardship or the fallibility of proof, the power and inclination of the crown to mitigate or pardon,

I am

I am not prepared to agree in casting any general censure upon the law of the land, which has thrown so many bulwarks of defence around us; but, on the contrary, admire the wisdom of those who from time to time have so modelled this institution, that it should be at once the mean of correction to the guilty, and of protection to the innocent. I am as free however to confess that to a *partial* observer, and to one who does not, as he reads, bear constantly in mind *the mode of its administration*, the imputation of barbarism upon the Criminal Code must appear but too well deserved. Independent of this consideration, it is indeed a sanguinary code, and begot in a spirit very wide of that disposition to humanity which foreign historians, no less than our own, conceive to be the just and proud characteristic of the British people.

THE causes of the disproportion, in many instances, between the offence and the punishment with us, may be traced partly to the mistaken notion, that crimes are best prevented by severity; partly to abuses and offences which once called for vigorous redress and exemplary penalties, that have now ceased to be formidable; and partly to the penal statutes having grown up into their present bulk, just as the growing depravities attendant on national prosperity pointed out the necessity of them, and to their never

having been subjected at any time to a review which might balance and adjust them. *It is this review* which appears to me to be almost the only thing wanting to make our Criminal Code more perfect and less liable to objection; many of our neighbours on the continent have set an example of improving this important branch of Jurisprudence, and have derived innumerable practical advantages from it.

How much then is it to be desired (and here, I am certain, I speak the sentiments of the whole Profession) that there may be found, at no distant period, in the Senate, a temperate Legislator, both qualified and ambitious to undertake a task so momentous and delicate; one who shall add to professional accuracy the ampler views of the Statesman, who will remember with pleasure, that if much is to be cut off, *more is to be preserved*; who shall love to repair rather than rebuild, or impair the fabric by removing its foundation, nor yet be so tender of what he finds established as not to dare oppose the tyranny of custom (whether arisen from the causes alluded to, or the *practice of the administration of justice, criminal or civil*), wherever it leads to consequences palpably *injurious* or absurd. Then it is that we may see erected in this kingdom, for the admiration of beholding nations and our own happiness,

ness, a Temple of Justice, no less venerable for its marks of antiquity, than dear to us from its accommodation to the present state of our manners and of our improved notions, and above all the more durable ; resting on the firm and comely basis of Reason and Humanity.

J. WENTWORTH,

Inner Temple,
September 1797.

INDICTMENTS.

HIGH TREASON.

REX
against

FRANCIS HENRY DELAMOTTE.

{ MIDDLESEX. The jurors of our lord the king upon their oath

Indictment against the defendant for high treason, in carrying on a treasonable correspondence with an enemy.

present, that an open and public war, on the eleventh day of January, in the twentieth year of the reign of our sovereign lord George the Third, by the grace of God, &c. and long, and ever since hitherto, by land and sea, was, and is yet, carried on and prosecuted by Louis the French king against our most serene, illustrious, and excellent prince our said lord the king, and that one Francis Henry Delamotte, late of the parish of St. George, Hanover-square, in the county of Middlesex, gentleman, a subject of our said lord the king of the kingdom of Great Britain, well knowing the premises, and not having the fear of God in his heart, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the devil, as a false traitor against our most serene, illustrious, and excellent prince George the Third, now king of Great Britain, &c. and contriving, and with all his strength intending the peace and tranquillity of this kingdom of Great Britain to disquiet, molest, and disturb, and the government of our said present sovereign lord the king of this kingdom of Great Britain to change, subvert, and alter, and our said lord the king from the royal state, title, honour, power, imperial crown and government of this kingdom of Great Britain to depose and deprive, our said lord the present king to death and final destruction to bring, and to put the faithful subjects of our said lord and the freemen of this kingdom to bring into the most miserable servitude and slavery under the French king, he the said defendant, on the said eleventh day of January, in the said twentieth year of the reign of our said lord the king, and on divers other days and times as well before as after that day, with force and arms, at the said parish of Saint George, Hanover-square, in the said county of Middlesex, falsely, wickedly, and traitorously did compass, imagine, and intend our said present sovereign lord the king of and from the royal state, crown, title, power, and government of this realm of Great Britain to depose and wholly deprive, and the same lord the king to kill and bring and put to death; and to fulfil and perfect, and bring to effect,

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his said most wicked and evil treason, compassings, and imaginations aforefaid, he the said defendant, as such false traitor, during the war aforefaid, falsely, wickedly, and traitorously did compote and write, and caused to be composed and written, divers letters and instructions in writing to shew and inform the said French king of the state, condition, and force of several of the ships of war of our said lord the king, and the number of the ships and forces of our said lord the king then and there designed and prepared for the defence of this kingdom, and the enemies of the said realm to attack, repel, and resist, and how some of the ships of our said lord the king were manned, and for what time divers ships of war of our said lord the king were furnished with provisions, and of the stations of divers squadrons of ships of war of our said lord the king employed in carrying on and prosecuting the said war, and the names of the commanders of such squadrons, and the number and force of the ships of war of which such squadrons consisted, and also of the service on which divers other ships of war of our said lord the king were then employed in prosecuting and carrying on the said war, and also the number and force of the ships of war of our said lord the king within certain parts of this kingdom, and of the state and condition of several of the said ships, and of the number of the land-forces of our said lord the king in this realm, and the dominions thereunto belonging, and of the times of the sailing of divers ships of war of our said lord the king, and the destination of the said ships, and the services on which such ships were employed, and of the times when other ships of war of our said lord the king were then expected to sail from this kingdom, and the voyages, cruizes, and services, upon which such ships were sailed, and also of the times when other ships of war of our said lord the king employed in the prosecuting and carrying on the said war were expected to arrive in this kingdom, and also of the times of the sailing of several ships and vessels belonging to divers subjects of our said lord the king from this realm to the dominions of our said lord the king, and other places in parts beyond the seas, and also of the times when other ships and vessels belonging to divers other subjects of our said lord the king were expected to sail from this realm to the dominions of our said lord the king, and other places in parts beyond the seas, and also the times when other ships of divers subjects of our said lord the king were expected to arrive in this kingdom from the dominions of our said lord the king, and other places beyond the seas: And that afterwards, and during the said war, viz. on the first day of January, in the twentieth year aforefaid, at the parish aforefaid, in the county of Middlesex, he the said defendant as such false traitor as aforefaid, in prosecution of his said treason and treasonable purposes aforefaid, falsely, wickedly, and traitorously, composed and wrote, and caused and procured to be composed and wrote, a certain letter, to be sent to certain subjects of the said French king in parts beyond the seas, and then and yet enemies of our said lord the king, in which said letter the said defendant among other things, wickedly, falsely, and traitorously,

notified

notified and discovered and revealed to the said enemies of our said lord the king, that the regiments of the army of our said lord the king were preparing to go to the West Indies, and also of the number of land-forces of our said lord the king to be sent to North America and Canada, and the stations of divers ships of war of our said lord the king employed in prosecuting and carrying on the said war of our said lord the king against the enemy, the said Louis the French king; and afterwards, and during the said war, viz. on the thirtieth June, in the twentieth year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in prosecution of his said treason and treasonable purposes aforesaid, falsely, wickedly, and traitorously composed and wrote a certain other letter to be sent to certain subjects of the said French king in parts beyond the seas, then and yet enemies of our said lord the king, in which said last-mentioned letter the defendant among other things wickedly, falsely, and traitorously notified, discovered, and revealed to the said enemies of our said lord the king, that Sir George Brydges Rodney, bart. then being one of the admirals of our said lord the king, was at the island of Barbadoes, in parts beyond the seas, with fourteen ships of war of our said lord the king, part of a squadron of ships of war of our said lord the king employed in prosecuting and carrying on the said war under the command of the said Sir George Brydges Rodney, being such admiral of our said lord the king, and that seven other ships of war of our said lord the king, other part of the said squadron, were under repair at St. Lucia, in parts beyond the seas, and also that Francis Geary, esquire, then being one other of the admirals of our said lord the king, was cruising with a squadron of other ships of war of our said lord the king between the Scilly Islands and Ushant, and that certain ships and vessels were getting ready with provisions for the said squadrons, and that a certain ship of war of our said lord the king called the Marlborough had sailed from Spithead on Tuesday then last past to join the said squadron, and that certain other ships of war of our said lord the king employed in prosecuting and carrying on the said war were off Cherbourg in the kingdom of France; and afterwards, and during the said war, viz. on the first day of August, in the twentieth year aforesaid, he the said defendant, as such false traitor, wickedly and traitorously composed and wrote certain accounts or lists to certain subjects of the French king in parts beyond the seas, then and yet enemies of our said lord the king, in one of which accounts or lists the said defendant falsely, wickedly, and traitorously notified, disclosed, and revealed to the enemies of our said lord the king, the number, force, and statement of a certain squadron of ships of war of our said lord the king then employed in prosecuting and carrying on the said war, under the command of the said F. G. then being one of the admirals of our said lord the king, and in other of the said accounts or lists the said defendant falsely, wickedly, and traitorously notified, discovered, and revealed to the enemies of our said lord the king, the number, names, and force of certain ships of war of

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our said lord the king in this realm, and the state and condition and destination of the same ships of war; and in another of the same accounts or lists he the said defendant falsely, wickedly, and traitorously notified, disclosed, and revealed to the enemies of our said lord the king the times of sailing and destination of divers other ships of war of our said lord the king, which had lately before that time sailed from this kingdom, and also the number, state, condition, and force of divers other ships of war of our said lord the king, then in the ports of this kingdom; and in another of the said accounts or lists, he the said defendant falsely, wickedly, and traitorously notified, disclosed, and revealed to the said enemies of our said lord the king the stations of divers ships and vessels of our said lord the king, then cruizing against the enemies of our said lord the king; and afterwards, during the said war, on the said first day of August, in the twentieth year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in prosecution of his said treason and treasonable purposes aforesaid, falsely, wickedly, and traitorously composed and wrote, and caused and procured to be composed and wrote, an account or state to be sent to certain subjects of the said French king in parts beyond the seas, then and yet enemies of our said lord the king, in which said account or state the said defendant notified, disclosed, and revealed to the said enemies of our said lord the king, the number of the naval forces of our said lord the king, as employed in prosecuting and carrying on the said war under the command of certain admirals of our said lord the king; and afterwards, and during the said war, viz. on the ninth day of August, in the twentieth year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in prosecution of his said treason and treasonable purposes aforesaid, falsely, wickedly, and traitorously composed and wrote, and caused and procured to be composed and wrote, a certain other letter to be sent to certain subjects of the said French king in parts beyond the seas, and then and yet enemies of our said lord the king, in which said last-mentioned letter the said defendant amongst other things falsely, wickedly, and traitorously notified, disclosed, and revealed to the said enemies of our said lord the king, that certain ships of war of our said lord the king, under the command of the said F. G. then being one of the admirals of our said lord the king, and that certain other ships of war of our said lord the king, were preparing to join the squadron, and that certain other ships of war of our said lord the king had sailed under the command of ——— Murray, esquire, then being one of the officers of the navy of our said lord the king, and the place and destination thereof; and afterwards, and during the said war, viz. on the fifth day of September, in the twentieth year aforesaid, at the parish aforesaid, in prosecuting his said treason and treasonable purposes aforesaid, wickedly, falsely, and traitorously composed and wrote a certain other account to be sent to certain subjects of the said French king in parts beyond the seas, then and yet enemies of our said lord the king, in which said last-

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last-mentioned account the said defendant amongst other things falsely, wickedly, and traitorously notified, disclosed, and revealed to the said enemies of our said lord the king the number and force of the ships of war of our said lord the king then being within certain parts within this kingdom equipped for service, and also the number and force of other ships of war of our said lord the king then cruizing against the enemies of our said lord the king, under the command of Robert Digby, esquire, then being one other of the admirals of our said lord the king, and also the number and force of the ships of war of our said lord the king then repairing in certain ports within this kingdom, and the time when certain other ships and vessels belonging to certain subjects of our said lord the king were expected to arrive at this kingdom, and the time when certain other ships and vessels belonging to certain subjects of our said lord the king were expected to arrive in this kingdom from the dominions of our said lord the king, and other places in parts beyond the seas; and afterwards, and during the said war, to wit, on the seventeenth November, in the twenty-first year of the reign of our said lord the king, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in prosecution of his treason and treasonable purposes aforesaid, falsely, wickedly, and traitorously composed and wrote, and caused to be composed and wrote, a certain other letter to be sent to certain subjects of the said French king in parts beyond the seas, then and yet enemies of our said lord the king, in which said last-mentioned letter the said defendant amongst other things falsely, wickedly, and traitorously notified, disclosed, and revealed to the said enemies of our said lord the king the time when a Squadron of ships of war of our said lord the king, under the command of G. D. esquire, then being one of the admirals of our said lord the king employed in prosecuting and carrying on the said war, was expected to return to this kingdom; and afterwards, and during the said war, to wit, on the said seventeenth day of November, in the twenty first year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in prosecution of his said treason and treasonable purposes as aforesaid, falsely, wickedly, and traitorously composed and wrote, and caused and procured to be composed and wrote, a certain account to be sent to certain subjects of the said French king in parts beyond the seas, then and yet enemies of our said lord the king, in which said last-mentioned account the said defendant among other things falsely, wickedly, and traitorously notified, disclosed, and revealed to the said enemies of our said lord the king, the number of the land and sea forces of our said lord the king in this kingdom, and other the dominions of our said lord the king beyond the seas, and also the number of seamen in the service of our said lord the king; and afterwards, and during the said war, to wit, on the first day of December, in the twenty-first year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in prosecution of his said treason and treasonable purposes aforesaid, falsely, wickedly, and traitorously composed and wrote, and caused

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to be composed and wrote, a certain other letter to be sent to certain subjects of the said French king in parts beyond the seas, then and yet enemies of our said lord the king, in which said last-mentioned letter the said defendant falsely, wickedly, and traitorously notified, disclosed, and revealed, among other things, to the enemies of our said lord the king, the time of the sailing of a squadron of ships of war of our said lord the king from this kingdom, under the command of Sir Samuel Hood, then being one of the admirals of our said lord the king, and the destination of the said squadron; and the said defendant, on the same day and year last aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, in prosecution, and to promote his treason, imaginations, and compassings aforesaid, falsely, wickedly, and traitorously did send, and procure to be sent, all and singular the said several letters, instruments in writing, accounts or lists, and accounts or statements, hereinbefore mentioned to have been wrote and composed by him the said defendant, from the parish aforesaid, in the county of Middlesex aforesaid, to be delivered in parts beyond the seas to several persons subjects of the French king, then and yet being enemies of our said lord the king; and that during the said war, to wit, on the thirtieth day of June, in the twentieth year aforesaid, at the parish aforesaid, in the county aforesaid, the said defendant, as such false traitor as aforesaid, and in prosecution of his said treason and treasonable purposes aforesaid, falsely, wickedly, and traitorously did retain, hire, and procure, and caused to be retained, hired, and procured, one S. Radcliffe, then and there being master of a certain ship or vessel, to carry and convey in the said ship or vessel, from this kingdom to the kingdom of France, and there to deliver to certain subjects of the said French king, then and yet enemies of our said lord the king, certain letters and instructions in writing to inform the said French king and his subjects, then and yet enemies of our said lord the king, of the state, condition, destination, and stations, of the naval and military forces of this kingdom, and other advice and intelligence to enable and assist the said French king and his subjects in the prosecution and carrying on of the said war against our said lord the king and his subjects: And the jurors aforesaid upon their oath aforesaid further present, that during the said war, *sc.* on the fifth day of January, in the twenty-first year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in further prosecution of his said treason and treasonable purposes aforesaid, secretly, knowingly, unlawfully, and traitorously did obtain, procure, and get into his hands, custody, and possession, divers accounts in writing of the number and names of the ships of war of our said lord the king then being at a place called Spithead, near Portsmouth, in the county of Southampton, and also in the harbour of Portsmouth aforesaid, and the state and condition of several of the said ships, and of the destination of some of the said ships, and for what time some of the said ships were victualled, and in what the said ships were employed, and the number and names of a squadron of the ships of war of our said lord the king then shortly expected to sail from the kingdom under the command of

of George Johnson, esquire, then being one of the officers in the navy of our said lord the king, and of the time for which the said Squadron was victualled, and of certain regiments of the army of our said lord the king, then expected to be taken to sea in the said Squadron, and also of the state and condition of divers ships of war of our said lord the king in parts beyond the seas, and also of certain ships of war of our said lord the king, employed in cruising against the enemies of this kingdom, and on the service of which the said ships were so employed, in order, and with intent to send and cause the same accounts to be sent, or the substance and contents thereof, to certain subjects of the said French king, then and yet enemies of our said lord the king, and for that purpose he the said defendant afterwards, to wit, on the same day and year last aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, falsely, wickedly, and traitorously did carry and convey the said accounts to the dwelling house of one Richard Otley, situate in the parish aforesaid, in the said county of Middlesex: And the jurors aforesaid, upon their oath aforesaid, further present that during the said war, *sc.* on the said eleventh day of January, in the twentieth year aforesaid, at the parish aforesaid, in the county of Middlesex, he the said defendant, as such false traitor as aforesaid, in further prosecution of his said treason and treasonable purposes aforesaid, unlawfully and traitorously did retain, hire, and employ one H. L. to obtain accounts and intelligence of the ships of war of our said lord the king which should sail from Spithead aforesaid, and of the times of sailing, and of the names, force, and destination of such ships of war, and also of the arrival at Spithead aforesaid of such ships of war of our said lord the king, as should be in the harbour of Portsmouth aforesaid, and the state, condition, and force of such ships, and of the times when such ships should sail, and the destination of such ships, and to communicate such accounts and intelligence to the said defendant, in order that the said defendant might send such accounts and intelligence to the subjects of the said French king, then and yet being enemies of our said present lord the king; and the jurors aforesaid, upon their oath aforesaid, further present, that during the said war, *sc.* on the said fifth of June, in the twenty-first year aforesaid, at the parish aforesaid, in the county of Middlesex, he the said defendant, as such false traitor as aforesaid, and in further prosecution of his treason, and treasonable purposes aforesaid, falsely, wickedly, and traitorously did retain him, and employ the said H. L. to obtain information, and intelligence of the sailing of a Squadron of ships of war of our said lord the king, then shortly expected to sail from Spithead aforesaid, under the command of George Johnson, then being one of the officers of the navy of our said lord the king, and of the time when such Squadron should sail, and of the number and force of the ships of such Squadron, and immediately send, and cause to be sent such information and intelligence, to certain subjects of the said French king, then, and yet being enemies of our said lord the king, against the duty of the allegiance of him the said defendant, and

2d Count.

against the peace, &c. and also against the form, &c. And the said jurors of our said present sovereign lord the king, upon their oath aforesaid, further present that an open and public war, on the eleventh day of January, in the twentieth year of the reign of our said sovereign lord George the Third, &c. and long before, and ever since, hitherto, by land and by sea, was and is yet carried on and prosecuted by Louis the French king, against our most serene, &c. well knowing the premises, nor having the fear of God in his heart, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the devil, as a false traitor, and against our most serene, &c. and contriving, and with all his strength intending the common tranquillity of this kingdom of Great Britain to disquiet, molest, and disturb, and the government of our said lord the king of this kingdom of Great Britain, to change, subvert, and alter, he the said defendant during the war aforesaid, *ff* on the said eleventh day of January, in the twentieth year aforesaid, and on divers other days and times, as well before as after that day, with force and arms, at the parish aforesaid, in the said county of Middlesex, unlawfully and traitorously was adhering, aiding, and comforting, the said Louis the French king and his subjects, then being enemies of our said present sovereign lord the king, and in prosecution, performance, and execution of the said traitorous adhering of the said defendant to the said Louis the French king, and his subjects, then being enemies of our said present sovereign lord the king, he the said defendant as such false traitor, during the war aforesaid, to wit, on the said eleventh day of January, in the twentieth year aforesaid, at the parish aforesaid, in the said county of Middlesex, falsely, wickedly, and traitorously did compose, and cause to be composed, and wrote divers letters and instructions in writing, to shew and inform the said French king and his subjects, then and yet enemies of our said present sovereign lord the king, of the state, condition, and force of several ships of war of our said lord the king, and of the number of the ships and forces of our said lord the king, then and there designed and prepared for the defence of this kingdom, and the enemies of the said kingdom to attack, repel, and resist, and how some of the ships of war of our said lord the king were furnished with provisions, and of the stations of divers squadrons of ships of war of our said lord the king, employed in prosecuting and carrying on the said war, and the names of the commanders of such squadrons, and the number and force of the ships of war, of which such squadrons consisted, and also the service in which divers other ships of war of our said lord the king were then employed, in prosecuting and carrying on the said war, and also the number and force of the ships of war of our said lord the king, within certain parts of this kingdom, and the state and condition of several of the said ships, and of the number of land forces of our said lord the king in this kingdom, and the dominions thereunto belonging, and of the times of sailing of divers ships of war of our said lord the king, and the destination of the said ships, and the services on which such ships were employed, and

and of the times when other ships of war of our said lord the king were then expected to sail from this kingdom, and the voyages, cruises, and services upon which such ships were sailed; and also the times when other ships of war of our said lord the king, employed in the prosecution and carrying on of the said war, were expected to arrive in this kingdom; and also of the times of the sailing of several ships and vessels belonging to divers subjects of our said lord the king, from this kingdom to the dominions of our said lord the king, and other places in parts beyond the seas, and also the times when other ships and vessels belonging to divers other subjects of our said lord the king were expected to sail from this kingdom to the dominions of our said lord the king, and other places in parts beyond the seas, and also of the time when other ships and vessels of divers other subjects of our said lord the king were expected to arrive in this kingdom, from the dominions of our said lord the king, and other places beyond the seas: And that afterwards and during the said war, *viz.* on the eleventh day of January in the twentieth year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant as such false traitor as aforesaid, in prosecution of his said treason, and treasonably adhering, and purposes aforesaid, falsely, wickedly, and traitorously composed and wrote, and caused to be composed and wrote, a certain letter, to be sent to certain subjects of the said French king, in parts beyond the seas, then and yet enemies of our said lord the king, that certain regiments of the army of our said lord the king were preparing to go to the West Indies, and also the number of land forces of our said lord the king to be sent to North America and Canada, and the stations of divers ships of war of our said lord the king then employed in prosecuting and carrying on the said war of our said lord the king, against Louis the French king, and afterwards and during the said war, *viz.* on the thirtieth day of June, in the twentieth year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant as such false traitor as aforesaid, in prosecution of his said treason and treasonable purposes aforesaid, wickedly and traitorously composed and wrote a certain other letter, to be sent to certain subjects of the the said French king, in parts beyond the seas, then and yet enemies of our said lord the king, in which said last-mentioned letter the said defendant among other things wickedly, falsely, and traitorously notified, disclosed, and revealed to the said enemies of our said lord the king, that Sir George Bridges Rodney, bart. then being one of the admirals of our said lord the king, was at the island of Barbadoes, in parts beyond the seas, with fourteen ships of our said lord the king, part of a squadron of ships of war of our said lord the king, employed in prosecuting and carrying on the said war, under the command of the said Sir G. B. R. being such admiral as aforesaid, and that seven other ships of war of our said lord the king, other part of the said squadron kept at sea, and that other ships of war of our said lord the king, other part of the said squadron was under repair at St. Lucia, in parts beyond the sea,
and

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and also that F. Geary, esquire, then being one other of the admirals of our said lord the king, was cruizing with a squadron of other ships of war of our said lord the king between the Scilly islands and Ushant, and that certain ships and vessels were getting ready with provisions for the said squadron, and that a certain ship of war of our said lord the king, called the Marlborough, had sailed from Spithead on Tuesday then last past, to join the said squadron, and that certain ships of war of our said lord the king, employed in prosecuting and carrying on the said war, were off Cherbourg, in the kingdom of France, and afterwards, and during the said war, *sc.* on the first day of August, in the year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in prosecution of his said treason and treasonable adhering as aforesaid, wickedly, falsely, and traitorously composed and wrote, and caused to be composed and wrote, certain accounts or lists to be sent to certain subjects of the French king, in parts beyond the seas, then and yet enemies of our said lord the king, in one of which said accounts or lists, the said defendant falsely, wickedly, and traitorously notified, disclosed, and revealed to the said enemies of our lord the king, the number, force, and station of another certain squadron of ships of war of our said lord the king, then employed in prosecuting and carrying on the said war, under the command of the said F. G. then being one of the admirals of our said lord the king; and in another of the said accounts or lists, the said defendant falsely, wickedly, and traitorously notified, disclosed, and revealed, to the said enemies of our said lord the king, the number, name, and force of certain ships of war of our said lord the king, then in certain ports of our said lord the king in this kingdom, and the state, condition, and destination of the same ships of war, and in another of the said accounts or lists he the said defendant falsely, wickedly, and traitorously notified, disclosed, and revealed to the said enemies of our said lord the king, the times of the sailing and destination of divers other ships of war of our said lord the king, which had lately before that time sailed from this kingdom, and also the number, state, condition, and force of several other ships of war of our said lord the king, then in the ports of this kingdom; and in another of the said accounts or lists, he the said defendant falsely, wickedly, and traitorously notified, disclosed, and revealed to the said enemies of our said lord the king, the stations of divers ships and vessels of our said lord the king, then cruising against the enemies of our said lord the king; and afterwards, and during the said war, to wit, on the said first day of August, in the twentieth year aforesaid, in the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant as such false traitor as aforesaid, in prosecution of his said treason and treasonable adhering and purposes aforesaid, falsely, wickedly, and traitorously composed and wrote, and caused and procured to be composed and wrote, an account or statement to be sent to certain subjects of the said French king, in parts beyond the seas, then and yet enemies of our said lord the king, in which said account or state-

statement the said defendant notified, disclosed, and revealed to the said enemies of our said lord the king; the number of the naval officers of our said lord the king; and afterwards, and during the said war, to wit, on the ninth day of August, in the twentieth year aforesaid he the said defendant as such false traitor as aforesaid, in prosecution of his said treason, adhering, purposes, falsely, wickedly, and traitorously composed and wrote, and caused and procured to be composed and wrote a certain other letter to be sent to certain subjects of the said French king, in parts beyond the seas, then and yet enemies of our said lord the king, in which said last mentioned letter, the said defendant among other things falsely, wickedly, and traitorously notified, discovered, and revealed to the enemies of our said lord the king, that certain ships of war of our said lord the king had lately sailed to re-inforce a squadron of ships of war of our said lord the king, under the command of the said F. G. then being one of the admirals of our said lord the king, and that certain ships of war of our said lord the king, were preparing to join the said squadron, and that certain other ships of war of our said lord the king had sailed under the command of — Murray, esquire, then being one of the officers in the navy of our said lord the king, and the place of the destination thereof; and afterwards, and during the said war, *ff.* on the fifth day of September, in the twentieth year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in prosecution of his said treason and treasonable adhering and purposes aforesaid, falsely, wickedly, and traitorously composed and wrote, and caused and procured to be composed and wrote, a certain other account to be sent to certain subjects of the said French king, in parts beyond the seas, then and yet enemies of our said lord the king, in which said last mentioned account, he the said defendant, among other things falsely, wickedly, and traitorously notified, discovered, and revealed to the said enemies of our said lord the king, the number and force of the ships of war of our said lord the king, then being in certain ports within this kingdom equipped for service, and also the number and force of other ships of war of our said lord the king, then cruising against the enemies of our said lord the king, under the command of R. Digby, esquire, then being one other of the admirals of our said lord the king, and also the number and force of the ships of war of our said lord the king then repairing in certain ports within this kingdom, and the times when certain other ships or vessels belonging to certain subjects of our said lord the king were expected to arrive at this kingdom, from the dominions of our said lord the king, and other places in parts beyond the seas, and the times when certain other ships or vessels belonging to certain other subjects of our said lord the king were then expected to sail from this kingdom to the dominions of our said lord the king, and other places in parts beyond the seas, and afterwards, and during the said war, *ff.* on the seventeenth day of November, in the twenty-first year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid,

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in prosecution of his treason and treasonable purposes aforesaid, falsely, wickedly, and traitorously composed and wrote a certain other letter, to be sent to certain subjects of the said French king, in parts beyond the seas, then and yet enemies of our said lord the king, in which said last-mentioned letter, the said defendant among other things falsely, wickedly, and traitorously disclosed and revealed to the enemies of our said lord the king, when a squadron of ships of war of our said lord the king, under the command of G. Darby, esquire, then being one of the admirals of our said lord the king, and then employed in prosecuting and carrying on the said war, *ff.* on the said seventeenth day of November, in the twenty-first year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in prosecution of his said treason and treasonable adhering and purposes aforesaid, falsely, wickedly, and traitorously composed and wrote, and caused to be composed and wrote, a certain account to be sent to certain subjects of the said French king, in parts beyond the seas, then and yet enemies of our said lord the king, in which said last-mentioned account, he the said defendant, among other things falsely, wickedly, and traitorously notified, disclosed, and revealed to the said enemies of our said lord the king, the number of land and sea-forces of our said lord the king in this kingdom, and other dominions of our said lord the king, and afterwards, and during the said war, *ff.* on the said first day of December, in the year aforesaid, in the parish aforesaid, in the said county of Middlesex, he the said defendant, as such false traitor as aforesaid, in prosecution of his said treason and treasonable adhering and purposes aforesaid, falsely, wickedly, and traitorously composed and wrote, and caused and procured to be composed and wrote a certain other letter to be sent to certain subjects of the said French king in parts beyond the seas, then and yet enemies of our said lord the king, in which said last-mentioned letter, the said defendant falsely, wickedly, and traitorously notified, disclosed, and revealed among other things, to the enemies of our said lord the king, the time of sailing of a squadron of ships of war of our said lord the king, under the command of Sir Samuel Hood, then being one of the admirals of our said lord the king, from this kingdom, and the destination of the said squadron; and the said defendant on the same day and year last aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, in prosecution of his said traitorous adhering purposes, defendant to the said Louis the French king and his subjects, enemies of our said lord the king, falsely, wickedly, and traitorously did send and procure to be sent, all and singular the said several letters, instructions in writing, accounts or lists, and accounts or states, hereinbefore mentioned to have been wrote and composed by him the said defendant from the parish aforesaid, in the county of Middlesex aforesaid, to be delivered in parts beyond the seas to several subjects of the said French king, then and yet being enemies of our said lord the king; and that during the said war, *ff.* on the thirtieth day of June, in the twentieth year aforesaid, in the county of Middlesex aforesaid, the said defendant, as such false traitor as aforesaid, and
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in prosecution of his said treason and treasonable adhering and purposes aforesaid, falsely, wickedly, and traitorously did retain, hire, and procure, and caused, and procured to be retained, hired, and procured one Stephen Ratcliffe, then and there being master of a certain ship or vessel, to carry or convey in the said ship or vessel, from this kingdom to the kingdom of France, and thereto deliver to certain subjects of the said French king, then and yet enemies of our said lord the king, certain letters and instructions in writing, to inform the said French king, and his subjects, then and yet enemies of our said lord the king, of the state, condition, destination, and station of the naval and military forces of this kingdom, and other advice and intelligence, to enable and assist the said French king and his subjects in the prosecution and carrying on the said war against our said lord the king and his subjects: And the jurors aforesaid, upon their oath aforesaid, further present that during the said war, *ff.* on the fifth day of January, in the twenty-first year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, he the said defendant, as such false traitor as aforesaid, in further prosecution of his said treason and treasonable adhering and purposes aforesaid, secretly, knowingly, unlawfully, and traitorously did obtain, procure and get into his hands, custody and possession, divers accounts in writing of the number and names of the ships of war of our said lord the king, then being at a place called Spithead near Portsmouth aforesaid, in the county of Southampton, and also in the harbour of Portsmouth aforesaid, and the state and condition of several of the said ships, and the destination of some of the said ships, and for what time some of the said ships were then expected to be employed, and of the number and names of a squadron of ships of war of our said lord the king, then shortly expected to sail from this kingdom, under the command of the said G. Johnson, esquire, then being, &c. and of the time for which the said squadron was victualled, and of certain regiments of the army of our said lord the king then expected to be taken to sea in the said squadron, and also of the state and condition of divers ships of war of our said lord the king in parts beyond the seas, and also of certain ships of war of our said lord the king employed in cruising against the enemies of this realm, and of the service of which the said ships were so employed, in order and with intent to send, and cause to be sent the same accounts, or the substance and contents thereof, to certain subjects of the said French king, then and yet enemies of our said lord the king; for that purpose the said defendant, afterwards, to wit, on the same day and year last aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, falsely, wickedly, and traitorously did convey the said accounts to the dwelling house of one R. O. situate in the parish aforesaid, in the said county of Middlesex: And the jurors aforesaid, upon their oath aforesaid, further present that during the said war, to wit, on the said eleventh day of January, in the twentieth year aforesaid, at the parish aforesaid, in the said county of Middlesex, he the said defendant, as such false traitor as aforesaid, in further prosecution

prosecution of his said treason and treasonable purposes aforesaid, unlawfully and traitorously did retain, hire, and employ one H. L. to obtain accounts and intelligence of the ships of war of our said lord the king which should sail from Spithead aforesaid, and of the times of sailing, and of the names, force, and destination of such ships of war, and also the arrival at Spithead aforesaid of such ships of war of our said lord the king as should be in the harbour of Portsmouth, and of the state, condition, and force of such ships, and of the times when such ships should sail, and of the destination of such ships, and to communicate such accounts and intelligence to the said defendant, in order that he the said defendant might send such accounts and intelligence to the subjects of the said French king, then and yet enemies of our said lord the king: And the jurors further present, that during the said war, to wit, on the fifth day of January, in the twenty-first year aforesaid, at the parish aforesaid, in the county of Middlesex aforesaid, as such false traitor as aforesaid, and in further prosecution of his treason and treasonable adhering and purposes, falsely, wickedly, and traitorously did retain, hire, and employ, the said H. L. to obtain information and give intelligence of the sailing of the said squadron of ships of our said lord the king then shortly expected to sail from Spithead aforesaid under the command of G. Johnson, then being one of the officers in the navy of our said lord the king, and of the time when such squadron should sail, and the number and force of such ships of the said squadron, and immediately to send and cause to be sent such information and intelligence to certain subjects of the said French king, then and yet being enemies of our said lord the king, against the duty of the allegiance of him the said defendant, against the peace of our said present sovereign lord the king, his crown and dignity, and also against the form of the statute in such case made and provided.

Indictment for high treason, in procuring conventions to be held in order to levy war against the king and alter the government.

MIDDLESEX, to wit. Be it remembered, that at a special session of oyer and terminer of our sovereign lord the king, of and for the county of Middlesex, holden at the session-house, on Clerkenwell-green, in the said county, on Thursday the second day of October, in the thirty-fourth year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth, before the right honourable Sir James Eyre, knight, chief justice of our said lord the king of his court of common pleas; the right honourable Sir Archibald Macdonald, knight, chief baron of our said lord the king of his court of exchequer; the honourable Sir Beaumont Hotham, knight, one of the barons of our said lord the king of his said court of exchequer; the honourable Sir Francis Buller, baronet, one of the justices of our said lord the king of his said court of common pleas; the honourable Sir Nash Grole, knight, one of the justices of our said lord the king assigned to hold pleas before the king himself; the honourable Sir Soulden Lawrence, knight, one other of the justices of our said lord the king assigned to hold pleas before the king himself,

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his, and others their fellows, justices and commissioners of our said lord the king, assigned by letters patent of our said lord the king, under his great seal of Great Britain, made to them and others, and any three or more of them (of whom one of them, the aforesaid Sir James Eyre, Sir Archibald Macdonald, Sir Beaumont Hotham, Sir Francis Buller, Sir Nath Grose, and Sir Soulden Lawrence, our said lord the king willed should be one) to inquire, by the oath of good and lawful men of the county of Middlesex, of all high treasons in compassing or imagining the death of our lord the king, levying war against our lord the king in his realm, or in adhering to the enemies of our said lord the king in his realm, giving to them aid and comfort in his realm or elsewhere, and of all misprisions of such high treasons as aforesaid, or of any of them, within the county aforesaid (as well within liberties as without), by whomsoever, and in what manner soever done, committed, or perpetrated, when, how, and after what manner, and of all other articles and circumstances concerning the premises, and every or any of them, in any manner whatsoever, and the said treasons and misprisions of treasons, according to the laws and customs of England, for this time to hear and determine by the oath of

Benjamin Winthrop, esq.
John Henry Schneider, esq.
Edward Ironside, esq.
Benjamin Kenton, esq.
Rawson Hart Boddam, esq.
John Aris, esq.
William Pardoe Allett, esq.
John Perry, esq.
Henry Peter Khuff, esq.
Thomas Winslow, esq.
Thomas Cole, esq.

Samuel Hawkins, esq.
George Ward, esq.
Thomas Boddam, esq.
Joseph Lancaster, esq.
Robert Wilkinson, esq.
George Galway Mills, esq.
Henry Wright, esq.
John Hatchet, esq.
Rowland Stephenson, esq. ;
and
John Campbell, esq.

good and lawful men of the county aforesaid, now here, sworn and charged to inquire for our said lord the king for the body of the said county touching and concerning the premises in the said letters patent mentioned. It is presented in manner and form as followeth, that is to say : Middlesex, to wit. The jurors for our sovereign lord the king upon their oath present, that Thomas Hardy, late of Westminster, in the county of Middlesex, shoemaker ; John Horne Tooke, late of Wimbledon, in the county of Surry, clerk ; John Augustus Bonney, late of the parish of St. Giles in the Fields, in the county of Middlesex aforesaid, gentleman ; Stewart Kyd, late of London, esquire ; Jeremiah Joyce, late of the parish of St. Mary le Bone, otherwise Marybone, in the county of Middlesex aforesaid, gentleman ; Thomas Holcroft, late of the parish of Saint Mary le Bone, otherwise Marybone, aforesaid, in the county of Middlesex aforesaid, gentleman ; John Richter, late of Westminster, in the said county of Middlesex, gentleman ; John Thelwall, late of Westminster, in the county of Middlesex aforesaid, gentleman ; and John Baxter,

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Baxter (a), late of the parish of St. Leonard, Shoreditch, in the county of Middlesex aforesaid, labourer; being subjects of our said lord the king, not having the fear of God in their hearts, nor weighing the duty of their allegiance, but being moved and seduced by the instigation of the devil, as false traitors against our said lord the king, their supreme, true, lawful, and undoubted lord, and wholly withdrawing the cordial love and true and due obedience which every true and faithful subject of our said lord the king should and of right ought to bear towards our said lord the king, and contriving, and with all their strength intending, traitorously to break and disturb the peace and common tranquillity of this kingdom of Great Britain, and to stir, move, and excite insurrection, rebellion, and war, against our said lord the king, within this kingdom, and to subvert and alter the legislature, rule, and government, now duly and happily established in this kingdom, and to depose our said lord the king from the royal state, title, power, and government of this kingdom, and to bring and put our said lord the king to death, on the first day of March, in the thirty-third year of the reign of our sovereign lord the now king, and on divers other days and times, as well before as after, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traitorously, with force and arms, &c. did amongst themselves, and together with divers other false traitors, whose names are to the said jurors unknown, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war, against our said lord the king within this kingdom of Great Britain, and to subvert and alter the legislature, rule, and government, now duly and happily established within this kingdom of Great Britain, and to depose our said lord the king from the royal state, title, power, and government of this kingdom, and to bring and put our said lord the king to death. And to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings and imaginations aforesaid, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as such false traitors as aforesaid, with force and arms, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times as well before as after, at the parish of St. Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traitorously did meet, conspire, consult, and agree among themselves, and together with divers other false traitors, whose names are to the said jurors unknown, to cause and procure a convention and meeting of divers subjects of our said lord the king to be assembled and held within this kingdom, with intent and in order that the persons to be assembled at such convention and meeting should and might, wickedly and traitorously, without, and in defiance of the authority,

(a) Thomas Wardle, Matthew Moore, indictment; but these persons did not appear, and Richard Hodgson were likewise in the

and against the will of the parliament of this kingdom, subvert and alter, and cause to be subverted and altered, the legislature, rule, and government, now duly and happily established in this kingdom, and depose, and cause to be deposed, our said lord the king, from the royal state, title, power, and government thereof. And further to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings and imaginations aforesaid, and in order the more readily and effectually to assemble such convention and meeting as aforesaid, for the traitorous purposes aforesaid, and thereby to accomplish the said purposes, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as such false traitors as aforesaid, together with divers other false traitors, whose names are to the jurors aforesaid unknown, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times as well before as after, with force and arms, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, maliciously and traitorously did compose and write, and did then and there maliciously and traitorously cause to be composed and written, divers books, pamphlets, letters, instructions, resolutions, orders, declarations, addreses, and writings, and did then and there maliciously and traitorously publish, and did then and there maliciously and traitorously cause to be published, divers other books, pamphlets, letters, instructions, resolutions, orders, declarations, addreses, and writings, the said books, pamphlets, letters, instructions, resolutions, orders, declarations, addreses, and writings, so respectively composed, written, published, and caused to be composed, written, and published, purporting and containing therein, among other things, incitements, encouragements, and exhortations, to move, induce, and persuade the subjects of our said lord the king to choose, depute, and send, and cause to be chosen, deputed, and sent, persons, as delegates, to compose and constitute such convention and meeting as aforesaid, to be to holden as aforesaid, for the traitorous purposes aforesaid. And further to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings and imaginations aforesaid; and in order the more readily and effectually to assemble such convention and meeting as aforesaid, for the traitorous purposes aforesaid, and thereby to accomplish the same purposes, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as such false traitors as aforesaid, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times as well before as after, with force and arms, at the parish of St. Giles aforesaid, in the county of Middlesex aforesaid, did meet, consult, and deliberate among themselves, and together with divers other false traitors, whose names are to the said jurors unknown, of and concerning the calling and assembling such convention and meeting as aforesaid, for the traitorous purposes aforesaid, and how, when, and where such convention and meeting

should be assembled and held, and by what means the subjects of our said lord the king should and might be induced and moved to send persons as delegates to compose and constitute the same. And further to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings and imaginations afore said, and in order the more readily and effectually to assemble such convention and meeting as afore said, for the traitorous purposes afore said, and thereby to accomplish the same purposes, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as such false traitors as afore said, together with divers other false traitors, whose names are to the jurors afore said unknown, on the said first day of March, in the thirty-third year afore said, and on divers other days and times as well before as after, with force and arms, at the parish of Saint Giles afore said, in the county of Middlesex afore said, maliciously and traitorously did consent and agree, that the said Jeremiah Joyce, John Augustus Bonney, John Horne Tooke, Thomas Wardle, Matthew Moore, John Thelwall, John Baxter, Richard Hodgson, one John Lovett, one William Sharp, and John Pearson, should meet, confer, and co-operate among themselves, and together with divers other false traitors, whose names are to the said jurors unknown, for and towards the calling and assembling such convention and meeting as afore said, for the traitorous purposes afore said. And further to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings and imaginations afore said, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as such false traitors as afore said, together with divers other false traitors, whose names are to the jurors afore said unknown, on the said first day of March, in the thirty-third year afore said, and on divers other days and times as well before as after, with force and arms, at the parish of Saint Giles afore said, in the county of Middlesex afore said, maliciously and traitorously did cause and procure to be made and provided, and did then and there maliciously and traitorously consent and agree to the making and providing of divers arms and offensive weapons, to wit, guns, musquets, pikes, and axes, for the purpose of arming divers subjects of our said lord the king, in order and to the intent that the same subjects should and might unlawfully, forcibly, and traitorously oppose and withstand our said lord the king in the due and lawful exercise of his royal power and authority in the execution of the laws and statutes of this realm, and should and might unlawfully, forcibly, and traitorously, subvert and alter, and aid and assist in subverting and altering, without and in defiance of the authority, and against the will of the parliament of this kingdom, the legislature, rule, and government, now duly and happily established in this kingdom, and depose, and aid and assist in deposing, our said lord the king from the royal state, title, power, and government of this kingdom. And further to fulfil, perfect, and bring

to effect their most evil and wicked treason, and treasonable compassings and imaginations afore said, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as such false traitors as afore said, with force and arms, on the said first day of March, in the thirty-third year afore said, and on divers other days and times as well before as after, at the parish of St. Giles afore said, in the county of Middlesex afore said, maliciously and traitorously did meet, conspire, consult, and agree among themselves, and with divers other false traitors, whose names are to the said jurors unknown, to raise, levy, and make insurrection, rebellion, and war within this kingdom of Great Britain, against our said lord the king. And further to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings and imaginations afore said, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as such false traitors as afore said, on the said first day of March, in the thirty-third year afore said, and on divers other days and times as well before as after, at the parish of Saint Giles afore said, in the county of Middlesex afore said, with force and arms, maliciously and traitorously did meet, conspire, consult, and agree amongst themselves, and together with divers other false traitors, whose names are to the said jurors unknown, unlawfully, wickedly, and traitorously, to subvert and alter, and cause to be subverted and altered, the legislature, rule, and government, now duly and happily established in this kingdom, and to depose, and cause to be deposed, our said lord the king from the royal state, title, power, and government of this kingdom. And further to fulfil, perfect, and bring to effect their most evil and wicked treason, and treasonable compassings and imaginations afore said, and in order the more readily and effectually to bring about such subversion, alteration, and deposition as last afore said, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as such false traitors as afore said, together with divers other false traitors, whose names are to the jurors afore said unknown, on the said first day of March, in the thirty-third year afore said, and on divers other days and times as well before as after, at the parish of Saint Giles afore said, in the county of Middlesex afore said, with force and arms, maliciously and traitorously did prepare and compose, and did then and there maliciously and traitorously cause and procure to be prepared and composed, divers books, pamphlets, letters, declarations, instructions, resolutions, orders, addresses, and writings, and did then and there maliciously and traitorously publish and disperse, and did then and there maliciously and traitorously cause and procure to be published and dispersed, divers other books, pamphlets, letters, declarations, instructions, resolutions, orders, addresses, and writings, the said several books, pamphlets, letters, declarations, instructions, resolutions, orders, addresses, and writings,

FELONY.

ings so respectively prepared, composed, published, dispersed, and caused to be prepared, composed, published, and dispersed, as last aforesaid, purporting and containing therein, amongst other things, incitements, encouragements, and exhortations, to move, induce, and persuade the subjects of our said lord the king to aid and assist in carrying into effect such traitorous subversion, alteration, and deposition, as last aforesaid, and also containing therein, amongst other things, information, instructions, and directions, to the subjects of our said lord the king, how, when, and upon what occasions, the traitorous purposes last aforesaid should and might be carried into effect. And further to fulfil, perfect, and bring to effect, their most evil and wicked treason, and treasonable compassings and imaginations aforesaid, the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, as such false traitors as aforesaid, together with divers other false traitors, whose names are to the jurors aforesaid unknown, on the said first day of March, in the thirty-third year aforesaid, and on divers other days and times as well before as after, at the parish of Saint Giles aforesaid, in the county of Middlesex aforesaid, with force and arms, maliciously and traitorously did procure and provide, and did then and there maliciously and traitorously cause and procure to be provided, and did then and there maliciously and traitorously consent and agree to the procuring and providing arms and offensive weapons (to wit), guns, musquets, pikes, and axes, therewith to levy and wage war, insurrection, and rebellion, against our said lord the king within this kingdom, against the duty of the allegiance of the said Thomas Hardy, John Horne Tooke, John Augustus Bonney, Stewart Kyd, Jeremiah Joyce, Thomas Holcroft, John Richter, John Thelwall, and John Baxter, against the peace of our said lord the now king, his crown and dignity, and against the form of the statute in that case made and provided.

FELONY.

ARSON.

Indictment for
setting fire to a
dwelling-house.

THE KING } MIDDLESEX. The jurors of our lord the
against } king upon their oath present, that John Mead, late
MEAD. } of the parish of Saint George the Martyr, in the
county of Middlesex, labourer, not having the fear of God before
his eyes, but being moved and seduced by the instigation of the
devil, on the *fifth* day of *July*, in the thirty-first year of the reign
of our sovereign lord George the Third, king of Great Britain,
and so forth, with force and arms, at the parish aforesaid, in the
county aforesaid, feloniously, wilfully, and maliciously, did set fire
to and burn a certain dwelling-house of one Walter Carwardine,
there situate, against the peace of our said lord the king, his crown
and

State the day if
you know it.
The exact day
is not material.

V. G.

and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Mead, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the said fifth day of July, in the said thirty-first year of the reign of our said lord the king, with force and arms, at the said parish of Saint George the Martyr, in the said county of Middlesex, unlawfully, wilfully, maliciously, and feloniously, did set fire to a certain other dwelling-house of the said Walter Carwardine there situate, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

V. GIBBS.

MIDDLESEX. The jurors for our lord the king upon their oath present, that Andrew Broome, late of the parish of St. M. in the county of Middlesex, labourer, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the fifth day of March, in the twentieth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. about the hour of twelve in the night of the same day, with force and arms at the parish aforesaid, in the county aforesaid, a certain house of one William Butler there situate, feloniously, wilfully, and maliciously, then and there did set on fire and burn, against the peace of our said lord the present king, his crown and dignity. And the jurors aforesaid upon their oath further present, that the said A. Broome, after the first day of June A. D. 1711, to wit, on the fifth day of March, in the twentieth year of the reign of our said lord the present king, about the hour of twelve in the night of the same day, with force and arms, at the parish aforesaid, in the county aforesaid, a certain house of the said W. B. there situate, feloniously, wilfully, and maliciously, then and there did set on fire, and against the peace of our said lord the present king, his crown and dignity, and also against the form of the statute in that case made and provided. And the jurors aforesaid upon their oath further present, that the said Andrew B. on the said fifth day of March, in the twentieth year of the reign of our said lord the king, about the hour of twelve in the night of the same day, with force and arms, at the parish aforesaid, in the county aforesaid, a certain house of one Stone Tuppel there situate, feloniously, wilfully, and maliciously, then and there did set on fire and burn, against the peace of our said lord the present king, his crown and dignity. And the jurors aforesaid upon their oath further present, that the said A. B. on the said fifth day of March, in the twentieth year of the reign of our said lord the present king, about the hour of twelve in the night of the same day, with force and arms, at the parish aforesaid, in the county aforesaid, a certain house of the said Stone Tuppel there situate, feloniously, voluntarily, and maliciously, then and there did set fire to, against the peace of our said lord the king, his crown and dignity, and also against the form of the statute in that

Indictment for setting rever-
sioner's house
on fire.

1st Count at
common law,
1. Hawk. P. C.
166.

2d, By statute
9. Geo. 1. c. 22.

3d, For setting
the house of les-
see for ninety-
nine years on
fire, at common
law.

4th, By statute,

See Holmes's that case made and provided. (5th and 6th Counts the same as Case, Foster's the 3d and fourth, only stating it to be the house of Andrew Broome Crown Law, himself, who was tenant for the remainder of the term for three 113 to 116. years under lessee for ninety-nine.)

The jury found a special verdict on the following facts: That the prisoner willfully and maliciously set on fire and burned the house mentioned in the indictment; that the house was on lease

to him from the said Stone Tapped for the term of three years, who was possessed of it for a term of ninety-nine years under William Butler.

FORGERY.

Indictment against a calico printer.

1st Count, for counterfeiting and forging a stamp on linen.

REX
against
RICHARDSON.

LANCASHIRE. The jurors of our lord the king upon their oath present, that David Richardson, late of the parish of Radcliffe, in the county of Lancaster, calico-printer, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and contriving and wickedly intending our said lord the king craftily, falsely, deceitfully and feloniously, to deceive and defraud of the duties payable to and for the use of our said lord the king, by the statute in that case made and provided, for and upon pieces of printed linen, stained, painted, and dyed in Great Britain, on the tenth day of September, in the twenty-third year of the reign of our sovereign lord George, the now king of Great Britain, &c. with force and arms, at the parish of R. aforesaid, in the county aforesaid, upon each of the said pieces of linen, such linen being then and there linens chargeable by the statute in that case made and provided with duties payable for the same, and for the use of our said lord the king, falsely, deceitfully, and feloniously, did counterfeit and forge a certain stamp to resemble a certain stamp then and there provided by the commissioners of excise for the time being, approved for the management of duties pursuant to the statute in that case made and provided, to denote the charging of the several duties by the statutes in that case made and provided, chargeable upon linens printed, painted, stained, or dyed, in Great Britain as aforesaid, and payable to and for the use of our said lord the king, thereby to defraud our said lord the king for and upon the said pieces of linen so printed, stained, painted, and dyed, in Great Britain aforesaid, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid upon their oath aforesaid further present, that the said D. R. not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and contriving and wickedly intending our

2d Count, for counterfeiting and resembling the impressions.

said lord the king craftily, falsely, deceitfully, and feloniously to deceive and defraud of the duties payable to and for the use of our said lord the king, by the statute in that case made and provided, and upon the other pieces of linen, printed, stained, painted, and dyed, in Great Britain, on the tenth day of September, in the twenty-third year of the reign of our said lord George the Third, now king of Great Britain, &c. with force and arms, at the parish aforesaid, in the county aforesaid, falsely, deceitfully, and feloniously, did counterfeit and resemble upon each of the said last-mentioned pieces of linen, such linens being then and there linens painted, stained, printed, and dyed, in Great Britain, and not being linens dyed throughout of one colour only, and then and there being linens chargeable by the statute in that case made and provided with duties payable for the same, and for the use of our said lord the king, the impression of a certain stamp then and there provided by the commissioners of excise for the time being, appointed for the managing of such duties for the time being, by the statutes in that case made and provided, chargeable on linens printed, stained, painted, or dyed, in Great Britain aforesaid, and payable to and for the use of our said lord the king, thereby to defraud our said lord the king of the said duties by virtue of the said statutes payable to our said lord the king upon the said last-mentioned pieces of linen, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity.

Geo. Wood.

<p>REX against WELDON.</p>	}	<p>MIDDLESEX, to wit. The jurors of our lord the king upon their oaths present, that Philip Weldon, late of the said county of Middlesex, gentleman, on the day of , in the year of the reign of our sovereign lord George the Third, king of Great Britain, &c. with force and arms, at the parish of did forge and coun- terfeit, and cause and procure to be falsely made, forged, and coun- terfeited, a certain receipt and acquittance for money, purporting to be a receipt and acquittance from and under the hand of James Mansfield, esquire, counselor at law, for a fee and sum of three guineas of lawful money of Great Britain, paid by the said P. to the said J. M. with a certain brief, upon a certain petition to the right honourable the lord high chancellor of Great Britain, in the matter of Robert Welgrove a bankrupt, on the part and behalf of Henry Tipping and Robert Heapy ; which said receipt and acquittance, so falsely made, forged, and counterfeited, is in the words and figures following, viz. (state the indorsement on the back of the brief as altered), with intention to defraud the said H. T. and R. H. to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dig- nity, and against the form of the statute in such case made and provided. And the jurors aforesaid upon their oath aforesaid fur- ther present, that the said P. W. on the said day of in</p>	<p>Indictment a- gainst an attor- ney for forgery, in altering the figures on coun- sel's brief, in a caus: before the lord chancellor.</p>
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ad Count.

3d Count.

the said year of the reign of our said lord the king, at the parish of , in the said county of Middlesex, had in his custody and possession a certain other false, forged, and counterfeited receipt and acquittance for money, purporting to be a receipt and acquittance from and under the hand of the said J. M. esquire, counsellor at law, for another fee and sum of three guineas of like lawful money as aforesaid, to the said J. M. with a certain other brief upon a certain other petition to the said lord high chancellor of Great Britain, in the matter of R. W. a bankrupt, on the part and behalf of H. T. and R. H. and which said last-mentioned false, forged, and counterfeited receipt and acquittance is in the words and figures following, *viz.* (state Mr. M.'s brief with the other alterations) with intention to defraud the said H. T. and R. H. to the evil example of all others in the like case offending, against the peace of our said lord the king, his crown and dignity, and against the form of the statute in such case made and provided. And the jurors aforesaid upon their oath aforesaid further present, that the said P. W. as having the said last-mentioned false, forged, and counterfeited receipt and acquittance in his hands, custody, and possession, on the said day of , in the said year of the reign aforesaid, at the parish aforesaid, in the county aforesaid, the said last-mentioned false, forged, and counterfeited receipt and acquittance, did feloniously utter and publish as and for a true receipt and acquittance under the hand of the said J. M. for the sum of three guineas as paid to him the said J. M. he the said P. W. at the same time when he so as aforesaid uttered and published the said false, forged, and counterfeited receipt and acquittance last aforesaid, then and there well knowing the same to be false, forged, and counterfeited, with an intention to defraud the said H. T. and R. H. to the evil example of all others in the like case offending, against the peace of our said lord the king, his crown and dignity, and also against the form of the statute in such case made and provided.

GEO. WOOD,

I am inclined to think, that the forgery in the indictment mentioned is not a capital crime within any of the acts of forgery; if it is within either of them, it must be that of the 2. Geo. 2. cap. 25. as an acquittance or receipt for money; and therefore as the indictment is adapted to that act, there is no occasion for any Counts for altering, as the word is not used in that act; and besides, *altering is forging*. It is not right to insert two distinct forgeries in one indictment; and I have heard judges decree, that they would quash such an indictment; and therefore I think there must be a distinct indict-

ment for the forgery upon Mr. Walker's brief, which will run the same as this, changing the name and figures. Being of opinion that this will not be deemed a capital forgery, I think it would be advisable, if this prosecution fails, to indict as for a misdemeanor, which it certainly is, and in that indictment to lay Counts for forging and uttering a receipt purporting to be a receipt subscribed with the hand and name of J. M. counsellor at law, for a fee given to the said J. M. upon, &c. describing so as to bring it within the 3. Jac. 1. cap. 7.

GEO. WOOD.

Rex

REX
against } **MIDDLESEX.** The jurors of Indictment a-
GRAHAM AND HIS WIFE. } our sovereign lord the king upon gainst John Gra-
 ham, late of the parish of St. Margaret, in the county of Middle-
 sex, labourer, and Jane Graham his wife, on the eighth day of June,
 in the twenty-second year of the reign, &c. having in their posses-
 sion *a certain Bank note marked No. K. 87*, bearing date at London,
 the twenty-ninth day of January 1782, signed and subscribed John
 Boulton, for the governor and company of the Bank of England,
 did promise to pay to Alexander Cowper or bearer, on demand,
 the sum of fifteen pounds, which said Bank note was then, to wit,
 on the said eighth day of June, in the twenty-second year aforesaid,
 in the words, letters, and figures following, that is to say (here
 insert the original fifteen pounds Bank note), they the said J. G.
 and J. G. afterwards, that is to say, on the eighth day of June, in
 the twenty-second year aforesaid, with force and arms, at the parish
 aforesaid, in the county aforesaid, *feloniously did alter the said Bank*
note, by then and there falsely obliterating and defacing the letters
EEN, before printed in the word fifteen in white letters on a black
 ground underneath the said Bank note, *by then and there falsely*
making, forging, and counterfeiting upon the said first letters EEN
before printed in the said word "fifteen" in the said Bank note the
letter r, and also by then and there falsely making, forging, and
 counterfeiting upon the said letters "een" before printed in the
 said word "fifteen," in white letters on a black ground, under-
 neath the said Bank note, another letter, "y," by reason and
 means of which said obliterating and defacing of the said letters
 "een" before printed in the said word "fifteen," in white letters
 on a black ground, underneath the said Bank note, and of falsely
 making, forging, and counterfeiting upon the said letters "een,"
 before printed in the said word "fifteen," in the said Bank note,
 the said first letter "y," and also of falsely making, forging,
 and counterfeiting upon the said letters "een," before printed
 in the said word "fifteen," in white letters on a black ground,
 underneath the said black ground, the said other letter "y,"
 the letters "fst." so remaining of the said word "fifteen,"
 before printed in the said Bank-note, with the said first letter
 "y" so falsely made, forged, and counterfeited as aforesaid,
 did become, import, and signify "fifty;" and the letters
 "fst." so remaining of the said word "fifteen," before
 printed in white letters on a black ground, underneath the
 said Bank note, with the said other letter "y" so falsely made,
 forged, and counterfeited as aforesaid, did become, import, and
 signify "fifty," which said altered Bank note is now in the
 words and figures following, that is to say (here insert a
 correct copy of the note as altered, and purporting to be a
 fifty pound Bank note) with intent to defraud the governor
 and company of the Bank of England, and against the form
 of the statute in such case made and provided, and against the
 peace of our said lord the king, his crown and dignity. And the

2d Count differs from the first only by charging the offence to have been committed with intent to defraud C. Bouchen and Carpenter.

the jurors aforesaid upon their oath aforesaid further present, that the said J. G. and J. G. afterwards, that is to say, on the said eighth day of June, in the twenty second year aforesaid, having in their custody and possession a certain other Bank note, marked No. K, 87, bearing date at London, the twenty-ninth day of January 1782, signed and subscribed John Boulton, for the governor and company of the Bank of England, did promise to pay to Abraham Cowper or bearer, on demand, the sum of fifteen pounds, which said last-mentioned Bank-note was then, to wit, on the said eighth day of June, in the twenty-second year aforesaid, in the words, letters, and figures following, that is to say (here insert the original fifteen pounds Bank note), they the said J. G. and J. G. afterwards, that is to say, on the eighth day of June, in the twenty-second year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, feloniously did alter the said last-mentioned Bank note, by then and there falsely obliterating and defacing the letters "een," before printed in the word "fifteen" in the said last-mentioned Bank note, and also the letters "een," before printed in the word "fifteen," in white letters on a black ground, underneath the said Bank note, by then and there falsely making, forging, and counterfeiting upon the said first letters "een," before printed in the word "fifteen" in the said Bank note, the letter "y," and also by then and there falsely making, forging, and counterfeiting upon the said letters "een," before printed in the word "fifteen," in white letters on a black ground, underneath the said Bank note, another letter "y," by reason and means of which said obliterating and defacing, the said letters "een," being before printed in the said word "fifteen," on the said Bank note, and also the letters "een," being before printed in the said word "fifteen," in white letters on a black ground, underneath the said Bank note, and of falsely making, forging, and counterfeiting upon the said letters "een," before printed in the said word "fifteen," in white letters on a black ground, underneath the said last-mentioned Bank note, the said other letter "y," the letters "fift." so remaining of the said word "fifteen," before printed in the said last-mentioned Bank note, with the said first letter "y," so falsely made, forged, and counterfeited as aforesaid, did become, import, and signify "fifty," and the letters "fift." so remaining of the said "fifteen," before printed in white on a black ground, underneath the said last-mentioned Bank note, with the said other "y" so falsely made, forged, and counterfeited as aforesaid, did become, import, and signify "fifty;" which said altered Bank note is in the words, letters, and figures following, that is to say (here insert a correct copy of the note as altered, and purporting to be for fifty pounds) with intent to defraud C. B. and C. A. against the form of the statute, &c. and against the peace of, &c.

3d Count, for feloniously and knowingly disposing of and putting away an

And the jurors aforesaid upon their oath aforesaid say, that the said J. G. and J. G. afterwards, that is to say, on the said eighth day of June, in the twenty-second year aforesaid, having in their custody an altered Bank note as a true one, to defraud the Bank.

and

and possession a certain altered Bank note, marked No. K. 87, with the name of John Boulton thereunto subscribed, purporting to bear date at London, the twenty-ninth January 1782, and to have been signed by John Boulton for the governor and company of the Bank of England, for the payment of the sum of fifty pounds to A. Cowper or bearer on demand: which said last-mentioned altered Bank note is in the words, letters, and figures following, that is to say (here insert, &c.) they the said J. G. and J. G. afterwards, to wit, on the said eighth June, in the twenty-second year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, feloniously did dispose and put away the said last-mentioned Bank note as and for a true and good Bank note, they the said J. G. and J. G. and each of them, at the said time of disposing and putting away the said last-mentioned altered Bank note, then and there well knowing the same Bank note to be altered with intent to defraud the governor and company of the Bank of England, against the form, &c. and against the peace, &c. (4th Count exactly the same as the third, only with intent to defraud C. B. and C. A. instead of the Bank.) And the jurors aforesaid upon their oath aforesaid further present, that the said J. G. and J. G. on the said eighth June, in the twenty-second year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, feloniously did forge and counterfeit a certain other Bank note marked No. K. 87, with the name of J. B. thereunto subscribed, purporting to bear date at London, the twenty-ninth January 1782, and to have been signed by one J. B. for the governor and company of the Bank of England for the payment of the sum of fifty pounds to A. Cowper or bearer on demand, the tenor of which said forged and counterfeited Bank note is as followeth, that is to say (here insert, &c.) with intent to defraud the governor and company of the Bank of England, against the form, &c. and against the peace, &c. (6th Count exactly the same as the 5th, only with intent to defraud C. B. and C. A. instead of the Bank.) And the jurors aforesaid upon their oath aforesaid further present, that the said J. G. and J. G. afterwards, that is to say, on the eighth day of June, in the twenty-second year aforesaid, having in their custody a certain other forged, &c. No. K. 87, with the name of J. B. &c. purporting to bear date at London, the twenty-ninth January 1782, and to have been signed by the said J. B. for the governor and company of the Bank of England, for payment of the sum of fifty pounds to A. C. or bearer on demand, the tenor of which said last-mentioned Bank note is as followeth, that is to say (here insert, &c. as before) they the said J. G. and J. G. afterwards, that is to say, on the said eighth June, in the twenty-second year aforesaid, with force and arms, at, &c. feloniously did dispose of and put away the said last-mentioned forged and counterfeited Bank note as and for a good and true Bank note, they the said J. G. and J. G. and each of them, at the said time of disposing and putting away the said last mentioned forged and counterfeited Bank note, then and there well knowing the same Bank note to be forged

4th Count like the 3d, to defraud C. B. and C. A.
5th Count for forging a Bank note.

6th Count like the 5th, to defraud C. B. and C. A.
7th Count, for disposing and putting away, to defraud the Bank.

forged, and counterfeited with intent to defraud the governor and company of the bank of England, and against the peace, &c. (8th count, the like, but to defraud, C. B. & C. A.)

The defendant was found guilty at the Old Bailey, September Sessions, 1782.

LONDON, ff. The jurors of our lord the king, upon their oath present that *B. G. late of the city of London, labourer(a)*, on the first day of February, in the twenty-sixth year of the reign of our lord George the third, now king of Great Britain, &c, with force and arms, &c. at London, that is to say, *in the parish of St. Bridget, otherwise St. Bride, in the ward of Faringdon Without*, in London aforesaid, upon a certain bill of exchange, for payment of money, commonly called an inland bill of exchange, subscribed with the name of J. C. bearing date at Manchester, the fifteenth day of December, in the year of Our Lord 1785, directed to certain persons in the said bill of exchange, named by the name and description of Messrs. Samuel Clarke, Son, and Company, Morley, near Leeds, Yorkshire, by which said bill of exchange the said J. C. required the said persons, so in the said bill of Exchange described, by the name and stile of Messrs. S. C. Son, and Company, two months after date, to pay to the order of J. W. fifteen pounds ten shillings, value received, as advised by the said J. C. *feloniously*, did falsely make, forge, and counterfeit, and cause, and procure to be falsely made, forged, and counterfeited, and did willingly act and assist in the false making, forging, counterfeiting, and indorsement of the said bill of exchange, in the name of one J. B. as the person to whom the said bill of exchange had been previously indorsed, and made payable by one J. C. as the indorsee of the said J. W. the person to whose order the said last mentioned bill of exchange is made payable, purporting to be an assignment of the said bill of exchange, by and under the hand of the said J. B. with intention to defraud the said J. B. against the form of the statute in such case made and provided, and against the peace of our lord the king, his crown and dignity: *And* the jurors aforesaid, upon their oath aforesaid, do further present that the said B. G. after wards, to wit, on the said first day of February, in the twenty-sixth year of the reign aforesaid, with force and arms, &c. at London aforesaid, in the parish and ward aforesaid, upon the said bill of exchange, for payment of money, feloniously did falsely make, forge, and counterfeit, and cause, and procure to be falsely made, forged, and counterfeited, and did willingly act and assist in the false making, forging, counterfeiting, and indorsement of the said bill of exchange, in the name of one J. M. as the person to whom the said bill of exchange had been previously indorsed, and made payable by one J. B. as the indorsee of one J. C. as the indorsee of the said J. W. the said person to whose order the said last mentioned bill of exchange is made payable, purporting to be an assignment of the said bill of exchange, by and under the hand of the

Indictment for forging a bill of exchange and several indorsements.

1st Count, forging the indorsement of J. B. to defraud T. P. stating the intermediate indorsements.

2d Count, J. M. to defraud J. P.

(a) The addition is necessary in indictments in order to sue to outlawry 2, Inst.

670. by st. H. 5. c. 5. though not required at common law, H. Bl. Rep. 34-
faid

said J. M. with intention to defraud T. P. against the form of the statute in such case made and provided, and against the peace of our lord the king, his crown and dignity: *And the jurors* aforesaid, upon their oath aforesaid, do further present that the said B. G. afterwards, to wit, on the said first day of February, in the twenty-sixth year of the reign aforesaid, at L. aforesaid, in the parish and ward aforesaid, with force and arms, &c. upon a certain other bill of exchange for payment of money, commonly called an inland bill of exchange, subscribed with the name of J. C. bearing date at Manchester, the fifteenth day of December, in the year of Our Lord 1785. directed to certain persons in the said last-mentioned bill of exchange, named by the name and description of Messrs. S. C. Son, and Co. Morley, near Leeds, Yorkshire, by which said last-mentioned bill of exchange, the said J. C. required the said persons, so in the said last-mentioned bill of exchange described, by the name and stile of Messrs. S. C. Son, and Co. two months after date, to pay to the order of one J. W. in the said last-mentioned bill of exchange, mentioned by the name of J. W. fifteen pounds ten shillings, value received, as advised by the said J. C. feloniously, did falsely make, forge, and counterfeit, and cause, and procure to be falsely made, forged, and counterfeited, and did willingly aid and assist in the false making, forging, and counterfeiting an indorsement of the said last-mentioned bill of exchange, in the name of J. B. as the person to whom, the said last-mentioned bill of exchange had been previously duly indorsed and made payable, purporting to be an assignment of the said last-mentioned bill of exchange, by and under the hand of the said J. B. with intention to defraud J. P. against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: *And the jurors* aforesaid, upon their oath aforesaid, do further present that the said B. G. afterwards, to wit, on the said first day of February, in the twenty-sixth year of the reign aforesaid, with force and arms, &c. at L. aforesaid, in the parish and ward aforesaid, upon the said last-mentioned bill of exchange for payment of money, commonly called an inland bill of exchange, feloniously did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, and did willingly act and assist in the false making, forging, and counterfeiting an indorsement, on the said last-mentioned bill of exchange, in the name of one J. M. as the person to whom the said last-mentioned bill of exchange had been previously and duly indorsed and made payable, purporting to be an assignment of the said last-mentioned bill of exchange, by and under the hand of the said J. M. with intention to defraud J. P. against the form of the statute in such case made and provided, and against the peace of our lord the king, his crown and dignity: *And the jurors* aforesaid, upon their oath aforesaid, do further present that the said B. G. afterwards, to wit, on the said first day of February in the twenty-sixth year of the reign aforesaid, at L. aforesaid, in the parish and ward aforesaid, with force and arms, &c. feloniously did utter and publish

3d Count, J. B. to defraud J. P. omitting intermediate indorsements.

4th Count, J. M. to defraud T. P.

5th Count, uttering as true, same as 1st Count.

FELONY.

6th Count, uttering as true, same as ad Count.

as true, a certain false, forged, and counterfeited indorsement of a certain other bill of exchange for payment of money, commonly called an inland bill of exchange, subscribed with the name of J. C. bearing date at M. the thirteenth day of December, in the year of Our Lord 1785, directed to certain persons in the said last-mentioned bill of exchange, named by the name and description of Messrs. S. C. Son and Co. Morley, near Leeds, Yorkshire, by which said last-mentioned bill of exchange, the said J. C. required the said persons, so in the said last-mentioned bill of exchange described, by the name and stile of Messrs. S. C. Son and Co. two months after date to pay to the order of J. W. in the said last-mentioned bill of exchange, named by the name of J. W. fifteen pounds ten shillings value received, as advised by the said J. C. which said false, forged, and counterfeited indorsement of the said last-mentioned bill of exchange, is in the name of J. B. as the person to whom the said last-mentioned bill of exchange had been previously indorsed, and made payable by one J. C. as the indorsee of the said J. W. the person to whose order the said last-mentioned bill of exchange is made payable, and purports to be an assignment of the said last-mentioned bill of exchange, by and under the hand of the said J. B. with the intention to defraud T. P. (he the said B. G. when he so uttered and published as true the said last-mentioned false, forged, and counterfeited indorsement of the said last-mentioned bill of exchange, well knowing the said indorsement to be false, forged, and counterfeited), against the form of the statute in such case made and provided, and against the peace of our lord the king, his crown and dignity: *And* the jurors aforesaid, upon their oath aforesaid, do further present that the said B. G. afterwards, to wit, on the said first day of February, in the twenty-sixth year of the reign aforesaid, at L. aforesaid, in the parish and ward aforesaid, with force and arms, &c. feloniously did utter and publish as true, a certain other false, forged, and counterfeited indorsement of a certain other bill of exchange for payment of money, commonly called an inland bill of exchange, subscribed with the name of J. C. bearing date at M. the fifteenth day of December, in the year of Our Lord 1785, directed to certain persons in the said last-mentioned bill of exchange, named by the name and description of Messrs. S. C. Son and Co. Morley, near Leeds, Yorkshire, by which said last-mentioned bill of exchange the said J. C. required the said persons so in the said last-mentioned bill of exchange, described by the name and stile of Messrs. S. C. Son and Co. two months after date, to pay to the order of J. W. in the said last-mentioned bill of exchange, named by J. W. fifteen pounds ten shillings, value received, as advised by the said J. C. which said last-mentioned false, forged, and counterfeited indorsement of the said last-mentioned bill of exchange, is in the name of one J. M. as the person to whom the said last-mentioned bill of exchange had been previously indorsed, and made payable by one J. B. as the indorsee of one J. C. as the indorsee of the said J. W. the person to whose order the said last-mentioned bill of exchange

exchange is made payable, purporting to be an assignment of the said last-mentioned bill of exchange, by and under the hand of the said I. M. with intention to defraud T. P. (he the said B. G. when he so uttered and published as true the said last-mentioned false, forged, and counterfeited indorsement, of the said last-mentioned bill of exchange, well knowing the same indorsement to be false, forged, and counterfeited) against the form of the statute in such case made and provided, and against the peace of our lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present that the said B. G. afterwards, to wit, on the said first day of February, in the twenty-sixth year of the reign aforesaid, at L. aforesaid, in the parish and ward aforesaid, with force and arms, &c. feloniously did utter and publish as true, a certain other false, forged, and counterfeited indorsement of a certain other bill of exchange for payment of money, commonly called an inland bill of exchange, subscribed with the name of J. C. bearing date at M. the fifteenth day of December, in the year of Our Lord 1785, directed to certain persons in the said last-mentioned bill of exchange, named by the name and description of Messrs. S. C. Son, and Co. Morley, near Leeds, Yorkshire, by which said last mentioned bill of exchange, the said J. C. required the said persons, so in the said last mentioned bill of exchange, described by the name and style of Messrs. S. C. Son, and Co. two months after date, to pay to the order of one J. W. in the said last-mentioned bill of exchange, mentioned by the name of Joseph W. fifteen pounds ten shillings, value received, as advised by the said J. C. which said last-mentioned false, forged, and counterfeited indorsement of the said last-mentioned bill of exchange is in the name of one J. B. as the person to whom the said last-mentioned bill of exchange had been previously duly indorsed, and made payable, and purports to be an assignment of the said last-mentioned bill of exchange, by and under the hand of the said J. B. with intention to defraud T. P. (he the said B. G. when he so uttered and published as true, the said last-mentioned false, forged, and counterfeited indorsement, of the said last-mentioned bill of exchange, well knowing the same indorsement to be false, forged, and counterfeited), against the form of the statute in such case made and provided, and against the peace of our lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present that the said B. G. afterwards, to wit, on the said first day of February, in the twenty-sixth year of the reign aforesaid, with force and arms, &c. at London aforesaid, in the parish and ward aforesaid, feloniously did utter and publish as true, a certain other false, forged, and counterfeited indorsement of a certain other bill of exchange for payment of money, commonly called an inland bill of exchange, subscribed with the name J. C. bearing date at M. the fifteenth day of December, in the year of Our Lord 1785, directed to certain persons in the said last-mentioned bill of exchange, mentioned by the name and description of Messrs. S. C.

7th Count, uttering as true, same as 3d.

8th Count, uttering as true, &c. same as 4th Count.

Son

Son and Co. Morley, near Leeds, Yorkshire, by which said last-mentioned bill of exchange, the said J. C. required the said persons, so in the said last-mentioned bill of exchange described by the name and stile of Messrs. S. C. Son and Co. two months after date, to pay to the order of one J. W. in the said last-mentioned bill of exchange, mentioned by the name of J. W. fifteen pounds ten shillings, value received, as advised by the said J. C. which said last mentioned false, forged, and counterfeited indorsement of the said last-mentioned bill of exchange, *is in the name of one J. M.* as the person to whom the said last-mentioned bill of exchange had been previously indorsed and made payable, *purporting to be an assignment of the said last-mentioned bill of exchange, by and under the hand of the said J. M.* with intention to defraud T. P. (he the said B. G. when he so uttered and published as true the said last-mentioned false, forged, and counterfeited indorsement, of the said last-mentioned bill of exchange, well knowing the said indorsement to be false, forged, and conterfeited) against the form of the statute in such case made and provided, and against the peace of our lord king, his crown and dignity.

It has been objected to this indictment that it is bad for not setting out the bill *in hac verba*, in the counts for *forging the indorsements*, but upon a similar in-

dictionment, the prisoner was tried and executed, where the bill was set forth at length, though but *inducement*, the charge being for *forging an indorsement*.

Counts in an indictment, for forging an indorsement on a bill of exchange. 5th Count.

AND the jurors aforesaid, upon their oath aforesaid, do further present that the said John Burton, otherwise called William Buck, otherwise called John Brewer, on the said fourth day of April, in the twenty-ninth year of the reign aforesaid, with force and arms, at London aforesaid, at the parish and ward aforesaid, having in his custody and possession a certain bill of exchange, purporting to be drawn by one J. Goodricke, and to bear date at London, the first day of April 1789, and to be directed to Messrs. Hoare's, Bankers, London, for the payment of eight hundred pounds, to the order of Mr. John Smith, on demand, to be placed to the account of the said Sir John Goodricke, the tenor of which said last-mentioned bill of exchange is as followeth, that is to say, (set out the bill *literatim*), he the said J. B. otherwise called W. B. otherwise called J. Brewer, on the said fourth day of April, in the said twenty-ninth year of the reign of our said lord the now king, with force and arms, at London aforesaid, at the parish and ward aforesaid, feloniously did falsely make, forge, and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, and did willingly act and assist in the false making, forging, and counterfeiting on the back of the said last-mentioned bill of exchange an indorsement of the said bill of exchange, purporting to be an assignment of the said last-mentioned bill of exchange by the said John Smith, in the said bill of exchange mentioned, to whose order the sum of eight hundred pounds

in the said bill of exchange mentioned, was made payable, which said false, forged, and counterfeited indorsement, is as follows, that is to say John Smith, with intention to defraud the aforesaid Henry Hoare, Henry Hugh Hoare, and Charles Hoare, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Burton; otherwise called William Buck, otherwise called John Brewer, on the said fourth day of April, in the twenty-ninth year aforesaid, with force and arms, at London aforesaid, at the parish and ward aforesaid, having in his custody and possession a certain bill of exchange, purporting to bear date at London, the first day of April 1789, and to have been drawn by one Sir John Goodricke, bart. by the name of J. Goodricke, and to be directed to Messrs. Hoare's, bankers, London, for the payment of eight hundred pounds, to the order of Mr. John Smith, on demand, to be placed to the account of the said Sir John Goodricke, the tenor of which said last-mentioned bill of exchange is as followeth, that is to say (set out the bill *literatim et verbatim*) and on the back of which said last-mentioned bill of exchange, was made and written a certain false, forged, and counterfeited indorsement, purporting to be an assignment of the said bill of exchange, by the said John Smith, in the said bill of exchange mentioned, to whose order the said eight hundred pounds, contained in the said last-mentioned bill of exchange, was made payable, by the said bill of exchange, and which said false, forged and counterfeited indorsement, last-mentioned, is as followeth, that is to say, J. Smith, he the said J. B. otherwise called W. B. otherwise called J. B. on the said fourth day of April, in the said twenty-ninth year of the reign of our said lord the now king, with force and arms, at London aforesaid, at the parish and ward aforesaid, feloniously did utter and publish as true, the said last-mentioned false, forged, and counterfeited indorsement, so made and written upon the said last-mentioned bill of exchange, with intention to defraud the said H. H. H. H. H. and C. H. (he the said John Burton, otherwise called William Buck, otherwise called John Brewer, at the said time, when he so uttered and published the said last-mentioned false, forged, and counterfeited indorsement, upon the said last mentioned bill of exchange, then and there, to wit, on the said fourth day of April, in the twenty-ninth year aforesaid, at London aforesaid, at the parish and ward aforesaid, well knowing the said last-mentioned indorsement to be false, forged, and counterfeited), against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Burton, otherwise William Buck, otherwise John Brewer, afterwards, to wit, on the said fourth day of

7th Count.

8th Count
should be altered
agreeably to the
5th Count with

the variation of charging the intention to be to defraud Sir J. G. instead of Messrs. Hoares.

8th Count, let
this be altered
so as to agree
with the 7th
Count, only
charging the in-
tention to de-
fraud Sir J. G.

April, in the twenty-ninth year aforesaid, with force and arms, at London aforesaid, to wit, in the parish and ward aforesaid, upon a certain bill of exchange, commonly called an inland bill of exchange, purporting to be subscribed by the said Sir John Goodricke, by the name of J. Goodricke, bearing date at London, the first day of April, 1789, directed to the above-named Henry Hoare, Henry Hugh Hoare, and Charles Hoare, bankers, London, by the name and description of Messrs. Hoares, bankers, London, by which said last-mentioned bill, the said Sir John Goodricke required the said Henry Hoare, Henry Hugh Hoare, and Charles Hoare, to pay to the order of Mr. John Smith, on demand, the sum of eight-hundred pounds, and place the same to the account of the said Sir John Goodricke, feloniously did falsely make, forge, and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, and did willingly act and assist in the false making, forging, and counterfeiting an indorsement of the said last-mentioned bill of exchange, in the name of the aforesaid John Smith, to whom the same money last-mentioned was made payable by the said bill, purporting to be an assignment of the same bill, by and under the hand of the said John Smith, with intention to defraud the aforesaid Sir John Goodricke, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: *And* the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Burton, otherwise William Buck, otherwise John Brewer, afterwards, to wit, on the said fourth day of April, in the twenty-ninth year aforesaid, with force and arms, at London, to wit, at the parish and ward aforesaid, feloniously did utter and publish as true a certain other indorsement, of a certain bill of exchange, commonly called an inland bill of exchange, purporting to be subscribed by the said Sir John Goodricke, by the name of J. Goodricke, and to bear date at London, the first day of April 1789, directed to the above-named Henry Hoare, Henry Hugh Hoare, and Charles Hoare, bankers in London, by the name and description of Messrs. Hoares, bankers, London, by which said last-mentioned bill, the said Sir John Goodricke required the said Henry Hoare, Henry Hugh Hoare, and Charles Hoare, to pay to the order of Mr. John Smith, on demand, the sum of eight hundred pounds, and place the same to the account of the said Sir John Goodricke, which said false, forged, and counterfeited indorsement, purporting to be an assignment of the said bill of exchange, by and under the hand of the said John Smith, to whom the said last-mentioned sum of money was made payable, by the same bill, with intention to defraud the said Sir John Goodricke, (he the said John Burton, otherwise William Buck, otherwise John Brewer, at the said time when he so uttered and published the said last-mentioned indorsement, of the same last-mentioned bill of exchange, then and there well knowing the same indorsement to be false, forged, and counterfeited) against the form of the

the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

I apprehend that the alterations which I have suggested will make this draft more agreeable to the form in general use.

W. GARROW.

In all places where the bill itself is set out, let it be as nearly as possible a *fac simile* copy of the original.

LONDON, to wit. The jurors for our lord the king, upon their oath present, that N. A. late of Fashion-street, Spital-fields, in the county of Middlesex, gentleman, deceased, was in his life time, to wit, on the twentieth day of August, in the year of Our Lord 1791, and long before, and at the time of his death, seised of and in five sixth parts undivided of and in three certain copyhold or customary messuages, lands, and tenements, with their appurtenances, situate in Stratford Bow, in the county of Middlesex, and held of the lord of the manor of Stebonheath, otherwise Stepney, in the said county of Middlesex, according to the custom of the manor of Stebonheath, otherwise Stepney, and that the said five sixth undivided parts of and in the said three copyhold or customary messuages, lands, and tenements, with their appurtenances, on the death of the said N. A. intestate, by the custom of the said manor of Stebonheath, otherwise Stepney, would have descended to the heir or heiresses at law of the said N. A. and that S. the wife of T. G. of St. James's-street, in the parish of St James's Westminster, in the county of Middlesex, wine-cooper, M. the wife of C. S. of Cheshunt, in the county of Hertford, victualler, and Elizabeth the wife of G. P. of Union-street, in the parish of Saint Dunstan, Stebonheath, otherwise Stepney, in the county of Middlesex, yeoman, are the co-heiresses at law of the said N. A. deceased; and that C. M. otherwise S. otherwise A. late of Fashion-street, Spital-fields, in the said county of Middlesex, spinster, G. P. late of Thavies-Inn, in the parish of Saint Andrew, Holborn, below the Bars, in the ward of Farringdon Without, in the city of London, gentleman, and T. F. late of Thavies Inn aforesaid, in the city of London aforesaid, gentleman, on the twenty-eight day of September, in the year of Our Lord 1791, at the parish of Saint Andrew, Holborn, below the Bars, in the ward of Farringdon Without, in the city of London aforesaid, with force and arms, feloniously did falsely make, forge, and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, and willingly act and assist in the false making, forging, and counterfeiting a certain paper writing, with a seal thereto affixed, purporting to be the last will and testament of the said N. A. deceased, and to be signed by the said N. A. in his life time, with the name "N. A." and to be sealed, declared, and published in his life time, as and for his last will and testament, the tenor of which false, forged, and counterfeited will is as follows, that is to say: "This is the last will and testament of me

Indictment for forging a will of copyhold premises and personality, to defraud the co-heiresses at law, who were all married.

FELONY.

" N. A. formerly of Bow, but now of Fashion-street, Spittal-
 " fields, in the county of Middlesex, gentleman, being in health
 " of body, and of sound and disposing mind and memory, do this
 " twentieth day of August, in the year of Our Lord one thousand
 " seven hundred and ninety-one, make and ordain this my last
 " will and testament, in manner following, that is to say: I give
 " and devise unto C. A. otherwise called C. M. now living with me,
 " all those my copyhold messuages, lands, tenements, and heredita-
 " ments, with the appurtenances, situate, lying, and being, in or
 " near Bow aforesaid, and which now are, or late were in the
 " several tenures or occupations of W. P. J. S. and R. D. to hold
 " the same unto and to the use of the said C. A. otherwise C. M.
 " for and during the term of her natural life, and from and after
 " her decease, I give and devise the said copyhold messuages, lands,
 " tenements, and hereditaments, unto and to the use of T. F.
 " of Thavies Inn, London, gentleman, and G. P. of Union-street,
 " White Chapel, in the county of Middlesex, yeoman, their
 " heirs and assigns: In trust for my daughter S. A. an infant at the
 " age of six months, or thereabouts, by the said C. A. otherwise
 " C. M. and now living with me, and the heirs of her body law-
 " fully to be begotten; but in default of such issue, then I do give
 " and devise the same premises, and every part thereof, with the
 " appurtenances, unto and to the use of E. P. wife to the said
 " G. P. and M. H. of Cheshunt, in Hertfordshire, widow, and to
 " their respective heir and assigns, to take as tenants in common,
 " and not as joint tenants: And as to all my goods, chattels, ready
 " money, debts, and securities for money, plate, household furni-
 " ture, and all other my personal estate, whatsoever and wherefo-
 " ever, that I shall be possessed of at the time of my decease,
 " after payment of my just debts and funeral expences, I give and
 " bequeath the same and every part thereof, unto the said C. A.
 " otherwise C. M. her executors, administrators, and assigns, to
 " and for her own use and benefit absolutely: And I do hereby
 " nominate, constitute, and appoint the said C. A. otherwise C. M.
 " sole executrix of this my last will and testament, hereby revok-
 " ing all former and other wills, by me at any time, heretofore
 " made, and do declare this to be my last will and testament; in
 " witness whereof, I the said N. A. have to this my will set my
 " hand and seal, the day and year first above-written." N. A. (L.S.)

Signed, sealed, declared, and published, by the said N. A. as and
 for his last will and testament, in the presence of us, who at his
 request, and in his presence, have subscribed our names as witnesses
 thereto,

W. P. Thavies Inn,

R. P. Thavies Inn,

T. M.

with intention to defraud the said S. the wife of the said T. G.
 M. the wife of the said C. S. and E. the wife of the said G. P. of
 the said copyhold messuages, lands, and tenements, with their appur-
 tenances, against the form of the statute in such case made and
 provided,

provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said N. A. deceased, was in his life-time, to wit on the twentieth day of August, in the said year 1791, and long before, and at the time of his death, seised of and in five sixth parts undivided of and in three certain other copyhold, or customary messuages, lands, and tenements, with their appurtenances, situate in Stratford Bow, in the county of Middlesex, and held of the lord of the said manor of Stebonheath, otherwise Stepney, according to the custom of the said manor of Stebonheath, otherwise Stepney, and that the said last-mentioned five sixth parts, undivided of and in the said three mentioned copyhold or customary messuages, lands, and tenements, with their appurtenances, on the death of the said N. A. intestate, by the custom of the said manor of Stebonheath, otherwise Stepney, would have descended to the heir and heiresses at law, of the said N. A. and that the said S. the wife of the said T. G. M. the wife of the said C. S. and E. the wife of the said G. P. are coheiresses at law of the said N. A. deceased, and that C. M. otherwise S. otherwise A. G. P. and T. F. on the twenty-eighth day of September, in the said year 1791, at the parish of St. Andrew, Holborn. below the Bars, in the ward of Farringdon Without aforesaid, in the city of London aforesaid, a certain false, forged, and counterfeited paper writing, with a seal thereto affixed, purporting to be the last will and testament of the said N. A. deceased, and to be signed by the said N. A. in his life-time, with the name "N. A." and to be sealed, declared, and published by the said N. A. in his life-time, as and for his last will and testament, with force and arms, feloniously did utter and publish as a true will in writing, the tenor of which said false, forged, and counterfeited will is as follows, with intent to defraud the said S. the wife of the said T. G. M. the wife of the said C. S. and E. the wife of the said G. P. of the said last mentioned copyhold messuages, lands, and tenements, with their appurtenances, they the said C. M. otherwise S. otherwise A. G. P. and T. F. at the time of uttering and publishing of the said false, forged, and counterfeited will in writing, by them as aforesaid, then and there well knowing the said will to be false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said N. A. deceased, was in his life time, to wit, on the twentieth day of August, in the said year 1791, and long before, and at the time of his death, seised of and in five sixth parts undivided of and in three certain copyhold or customary messuages, lands, and tenements, with their appurtenances, situate in Stratford Bow, in the county of Middlesex, and held of the lord of the said manor of Stebonheath, otherwise Stepney, according to the custom of the said manor of Stebonheath, otherwise Stepney; and that the said last-mentioned five sixth parts, undivided of and in the said three last-mentioned copyhold, or customary messuages,

ad Count, uttering with intention to defraud the coheiresses.

3d Count, with intention to defraud the coheiresses and their husbands.

lands, and tenements, with their appurtenances, on the death of the said N. A. intestate, by the custom of the said manor of Stebonheath, otherwise Stepney, would have descended to the heir or heiresses at law of the said N. A. deceased, and that the said S. the wife of the said T. G. M. the wife of the said C. S. and E. the wife of the said G. P. are the coheiresses at law of the said N. A. deceased; and that the said C. M. otherwise S. otherwise A. G. P. and T. F. afterwards, to wit, on the twenty-eighth day of September, in the said year 1791, at the parish of Saint Andrew, Holborn, below the Bars, aforesaid, in the ward of Farringdon Without aforesaid, at London, aforesaid, with force and arms, feloniously did falsely make, forge, and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, and willingly act and assist in the false making, forging, and counterfeiting a certain false, forged, and counterfeited paper writing, with a seal thereto affixed, purporting to be the last will and testament of the said N. A. and to be signed by the said N. A. in his life-time, with the name of "N. A." and to be sealed, declared, and published, by the said N. A. in his life-time, as and for his last will and testament, the tenor of which said false, forged, and counterfeited will in writing, is as follows, with intent to defraud the said T. G. and S. his wife, C. S. and M. his wife, and G. P. and E. his wife, of the said last mentioned five sixth parts undivided of and in the said three last-mentioned copyhold or customary messuages, lands, and tenements, with their appurtenances, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said N. A. deceased, was in his life-time, to wit, on the twentieth day of August, in the said year 1791, and long before, and at the time of his death, seized of and in five sixth parts undivided of and in three certain copyhold or customary messuages, lands, and tenements, with their appurtenances, situate in Stratford Bow, in the county of Middlesex aforesaid, and held of the said manor of Stebonheath, otherwise Stepney, in the county of Middlesex aforesaid, according to the custom of the said manor of Stebonheath, otherwise Stepney, and that the said last-mentioned five sixth parts undivided of and in the said three last-mentioned copyhold or customary messuages, lands, and tenements, with their appurtenances, on the death of the said N. A. intestate, by the custom of the said manor of Stebonheath, otherwise Stepney, would have descended to the heir or heiresses at law of the said N. A. deceased, and that S. the wife of the said T. G. M. the wife of the said C. S. and E. the wife of the said G. P. are the co-heiresses at law of the said N. A. deceased: And that the said C. M. otherwise S. otherwise A. G. P. and T. F. on the twenty-eighth day of September, in the year 1791 aforesaid, at the Parish of Saint Andrew, Holborn, below the Bars aforesaid, in the ward of Farringdon Without aforesaid, at London aforesaid, a certain false, forged, and counterfeited

4th Count, uttering, to defraud the co-heiresses and their husbands.

terfeited paper writing, with a seal thereto affixed, purporting to be the last will and testament of the said N. A. deceased, and to be signed by the said N. A. in his life-time, with the name "N. A." and to be sealed, declared, and published by the said N. A. in his life-time, as and for his last will and testament, with force and arms, feloniously did utter and publish as a true will in writing, the tenor of which said false, forged, and counterfeited will in writing, is as follows, with intent to defraud the said T. G. and S. his wife, C. S. and M. his wife, and G. P. and E. his wife, of the said last-mentioned five sixth parts undivided, of and in the said three last-mentioned copyhold or customary messuages, lands, and tenements, with their appurtenances, (they the said C. M. otherwise M. otherwise S. otherwise A. G. P. and T. F. at the time of the uttering and publishing of the said false, forged, and counterfeited will in writing, by them last aforesaid, at London aforesaid, in the parish of Saint Andrew, Holborn, below the Bars aforesaid, in the ward of Farringdon Without aforesaid, on the twenty-eighth day of September, in the said year 1791, well knowing the said will to be false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said C. M. otherwise S. otherwise A. G. P. and T. F. on the said twenty-eighth day of September, in the said year 1791, at the parish of Saint Andrew, Holborn, below the Bars, in the ward of Farringdon Without, in the city of London aforesaid, with force and arms, feloniously did falsely make, forge, and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, and willingly act and assist in the false making, forging, and counterfeiting a certain paper writing with a seal thereto affixed, purporting to be the last will and testament of the said N. A. deceased, and to be signed by the said N. A. in his life-time, with the name "N. A." and to be sealed, declared, and published by the said N. A. in his life-time, as and for his last will and testament, the tenor of which false, forged, and counterfeited will is as follows, with intent to defraud the heir or heiresses at law of the said N. A. deceased, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said C. M. otherwise S. otherwise A. G. P. and T. F. on the twenty-eighth day of September, in the said year 1791, at the parish of Saint Andrew, Holborn, below the Bars, in the ward of Farringdon Without, in the city of London aforesaid, a certain false, forged, and counterfeited paper writing, with a seal thereto affixed, purporting to be the last will and testament of the said N. A. deceased, and to be signed by the said N. A. in his life-time, with the name "N. A." and to be sealed, declared, and published, by the said N. A. in his life-time, as and for his last will and testament, with force and arms, feloniously

5th Count, to defraud the heir generally.

6th Count, uttering, to defraud the heir.

8th Count, with
intention to defraud the next
of kin.

8th Count, with
uttering, to defraud the next of
kin.

9th Count, that
N.A. died without a will, and
stating forgery
to be with in-
tention to defraud the person or persons entitled by law to the copyhold.

did utter and publish as a true will in writing, the tenor of which said false, forged, and counterfeited will in writing is as follows, with intent to defraud the heir or hieresses at law, of the said N. A. deceased (they the said C. M. otherwise S. otherwise A. G. P. and T. F. at the time of uttering and publishing of the said false, forged, and counterfeited will in writing, by them as aforesaid, then and there well knowing the said will to be false, forged, and counterfeited), against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said C. M. otherwise S. otherwise A. G. P. and T. F. on the said twenty-eighth day of September, in the said year 1791, at the parish of Saint Andrew, Holborn, below the Bars, in the Ward of Farringdon Without, in the city of London aforesaid, with force and arms, feloniously did falsely make, forge, and counterfeit, and cause and procure to be falsely made, forged, and counterfeited, and willingly act and assist in the false making, forging, and counterfeiting a certain paper writing, with a seal thereto affixed, purporting to be the last will and testament of the said N. A. deceased, and to be signed by the said N. A. in his life-time, with the name "N. A." and to be sealed, declared, and published by the said N. A. in his life-time, as and for his last will and testament, the tenor of which false, forged, and counterfeited will, is as follows, with intent to defraud the next of kin of the said N. A. deceased, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said C. M. otherwise S. otherwise A. G. P. and T. F. on the twenty-eighth day of September, in the said year 1791, at the parish of Saint Andrew, Holborn, below the Bars, in the ward of Farringdon Without, in the city of London aforesaid, a certain false, forged, and counterfeited paper writing, with a seal thereto affixed, purporting to be the last will and testament of the said N. A. in his life-time, with the name "N. A." and to be sealed, declared, and published by the said N. A. in his life time, as and for his last will and testament, with force and arms, feloniously did utter and publish, as a true will in writing, the tenor of which said false, forged, and counterfeited will in writing, is as follows, with intent to defraud the next of kin of the said N. A. deceased, they the said C. M. otherwise S. otherwise A. G. P. and T. F. at the time of uttering and publishing of the said false, forged, and counterfeited will in writing, by them as aforesaid, then and there well knowing the said will to be false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said N. A. deceased, was in his life-time, to wit, on the twentieth day of August, in the said year 1791, and long before, and

at

at the time of his death, seised of and in five sixth parts undivided of and in three copyhold or customary lands or tenements, with their appurtenances, situate in Stratford Bow, in the county of Middlesex aforesaid, and held of the lord of the manor of Stebonheath, otherwise Stepney, in the said county of Middlesex, according to the custom of the said manor, and on the twenty-second day of September, in the said year 1791, at Fashion-street, Spitalfields, in the said county of Middlesex, died so seised of and in the said last-mentioned five sixth parts undivided of and in the said three last-mentioned copyhold or customary messuages, lands, and tenements, with their appurtenances, without disposing thereof by his last will and testament to any person or persons whomsoever; and that the said C. M. otherwise S. otherwise A. G. P. and T. F. afterwards, to wit, on the said twenty-eighth day of September, in the year 1791 aforesaid, at London aforesaid, in the parish of Saint Andrew, Holborn, below the Bars aforesaid, in the ward of Farringdon Without aforesaid, with force and arms, feloniously did utter and publish as true a certain false, forged, and counterfeited paper writing, with a seal thereto affixed, purporting to be the last will and testament of the said N. A. deceased, and to be signed by the said N. A. in his lifetime with the name "N. A." and to be sealed, declared, and published by the said N. A. in his lifetime as and for his last will and testament, the tenor of which false, forged, and counterfeited will in writing is as follows, with intent to defraud the person or persons who would by law be entitled to the aforesaid last-mentioned copyhold or customary messuages, lands, and tenements, with their appurtenances, whereof the said N. A. died so seised as last aforesaid, they the said C. M. otherwise S. otherwise A. G. P. and T. F. at the time of the uttering and publishing of the said false, forged, and counterfeited will in writing, by them as aforesaid, at London aforesaid, in the parish of Saint Andrew, Holborn, below the Bars aforesaid, in the ward of Farringdon Without aforesaid, on the said twenty-eighth day of September, in the said year 1791, well knowing the said will to be false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

Drawn by MR. W. HEATH.

This indictment was approved of after great consideration by Mr. Serjeant Shepherd and Mr. Fielding on consultation,

for the prosecution; but defendants were acquitted for want of evidence.

LARCENY.

BE it remembered, that at the general quarter sessions of the peace of our sovereign lord the king, holden at the town of Record of an indictment for stealing hay Abergavenny, preferred at the quarter sessions; and grand jury's return of "No true bill."

Abergavenny, in and for the county of Monmouth, on Wednesday the tenth of January, in the twenty-seventh year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, before John Hambury, esquire, and other justices of our said lord the king of the county of Monmouth, and also assigned to hear and determine divers felonies, trespasses, and other misdemeanors committed and done in the said county, George Williams did exhibit and prefer a certain bill of indictment in writing against Edmund William Rees (by the name of Edmund William Rees, late of, &c.) to (name all the grand jury) good and lawful men of the said county, then and there sworn and charged to enquire for our said lord the king for the body of the said county, which said bill followeth in these words, to wit: "Monmouthshire. The jurors of our lord the king on their oath present, that E. W. Rees, late of, &c. on the first January, in the twenty-seventh year, &c. with force and arms, at the parish aforesaid, in the county aforesaid, a small quantity of hay, of the value of sixpence, of the goods and chattels of one George Williams, then and there being found, then and there feloniously did steal, take, and carry away, against the peace of our said lord the king, his crown and dignity;" and afterwards, to wit, at the same general quarter sessions of the peace of our said lord the king, holden for the county aforesaid, at Abergavenny aforesaid, on the said tenth day of January in the year aforesaid, before the aforesaid justices of our said lord the king and others their fellows aforesaid, the said bill of indictment was by the same jurors above named then and there returned to the said court at the same general quarter sessions of the peace holden in and for the said county, thus indorsed, "No true bill."

Drawn by MR. GRAHAM.

Indictment for felony against a servant, for embezzling her master's goods delivered to her to keep for her master's use. ESSEX, *ff.* The jurors for our sovereign lord the now king upon their oaths present, that Elizabeth Bourne, late of the parish of West Ham, in the said county of Essex, spinster, on the day of March, in the seventeenth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. then being a servant to one A. B. *and not an apprentice, or a person within the age of eighteen years,* he the said A. B. did then and there, *upon confidence and trust,* deliver unto his said servant ten pounds weight of beef, ten pounds weight of mutton, ten pounds weight of pork, and forty pounds weight of bread, of the value of thirty shillings, of the goods and chattels of him the said A. B. safely to keep the same goods and chattels to the use of him the said A. B.; and that she the said Elizabeth Bourne afterwards, to wit, on the said day of March, in the seventeenth year aforesaid, with force and arms, at the parish aforesaid, in the said county aforesaid, *did withdraw herself from the said A. B.* her said master, and feloniously did go away with the same goods and chattels, to the intent to steal the same, and defraud the said A. B. her said master thereof,

contrary to the trust and confidence to her the said Elizabeth Bourne put by the said A. B. her said master, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity.

WILTS. Be it remembered, that at the session of oyer and Record of an indictment for stealing sacks of wheat. terminer of our lord the king, held at New Sarum, in and for the county of Wilts, on Saturday the fourteenth day of March, in the seventh year of the reign of our sovereign lord George the Third, king of Great Britain, &c. before the honourable Sir Henry Gould, knight, one of the justices of his majesty's court of common pleas, the honourable James Hewitt, esquire, one of the justices of his majesty's court of king's bench, and others their fellows, justices of our said lord the king, assigned by letters patent of our said lord the king, under his great seal of Great Britain, to them the said Sir Henry Gould, James Hewitt, and others, some two or more of them, directed (and of whom, some or one of them the said Sir Henry Gould, knight, and James Hewitt, esquire, our said lord the king willed to be one) to enquire more fully the truth, by the oath of good and lawful men of the said county, and by other ways, means, and methods, by which they should or might better know, as well within liberties as without, by whom the truth of the matter might be the better known and enquired into, of all treasons, misprisions of treason, insurrections, rebellions, counterfeittings, clippings, washings, false coinings, and other falsities of the money of Great Britain, and other kingdoms or dominions whatsoever, and of all murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, assemblies, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, champarties, deceits, and all other evil doings, offences, and injuries whatsoever, and also the accessaries of them within the said county, as well within liberties as without, by whomsoever, and in what manner soever done, committed, or perpetrated, and the said treasons, and other the premises, according to the laws and customs of England, for this time to hear and determine, by the oath of Thomas Goddard, John Jacob, Charles Penruddock, Charles Penruddock, the younger, Nicholas Elliott, Thomas Bennett, John Awdry, William Wyndham, Doddington Egerton, Edward Poore, the younger, John Methuen Poore, Richard Southby, Edward Scroggs, William Hayler, Thomas Phipps, John Cooper, and William Talk, esquires, good and lawful men of the said county, then and there sworn and charged to enquire for our said lord the king upon their oath present, that Richard Byrt, late of the parish of Cricklade Saint Sampson, in the county of Wilts, yeoman, on the twenty-sixth day of September, in the sixth year

The indictment.

of

of the reign of our sovereign lord George the Third, now king of Great Britain, &c. with force and arms, at the parish aforesaid, in the county aforesaid, *ten sacks of wheat*, of the value of twelve pounds, of the goods and chattels of one Christopher Saunders, then and there being found, unlawfully and injuriously did seize, take, and carry away, against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Richard Byrt afterwards, to wit, on the said twenty-sixth day of September, in the sixth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, *two sacks of wheat meal*, of the value of three pounds, of the goods and chattels of one Charles Hooke, then and there being found, unlawfully and injuriously did seize, take, and carry away, against the peace of our said lord the king, his crown and dignity :'' *At which* same session of oyer and terminer of our said lord the king, holden at New Sarum aforesaid, in and for the said county, on the said fourteenth day of March, in the seventh year of the reign aforesaid, before the same justices, cometh the said Richard Byrt in his own proper person ; and having heard the said indictment read, says, *he is not guilty thereof*, and thereupon puts himself upon, the country ; and Richard Maddock, esquire, clerk of assize, and clerk of the crown of the said county, who prosecute for our said lord the king in this behalf, doth the like : *Therefore* the sheriff of the said county is commanded that he do not omit by reason of any liberty in his bailiwick, but that he cause, to come before the justices of our lord the king at the next session of oyer and terminer to be holden for the said county, twelve good and lawful men of the neighbourhood of Cricklade Saint Sampson aforesaid, by whom the truth of the matter will be the better known, and who have no affinity to the said Richard Byrt, to recognize upon their oath whether the said Richard Byrt be guilty of the premises in the indictment aforesaid above specified or not, because as well the said Richard Maddock, who, &c. as the said Richard Byrt, have put themselves upon that jury, *the same day is* given to the said parties at the same place : at which next session of oyer and terminer of our said lord the king, holden at New Sarum aforesaid, in and for the said county, on Saturday the first day of August, in the seventh year of the reign of our said lord the king aforesaid, before the honourable Sir Joseph Yates, knight, one of the justices of his majesty's court of king's bench, the said James Hewitt, esquire, and others their fellows, justices of our said lord the king, assigned by letters patent of our said lord the king under his great seal of Great Britain, to enquire of all treasons, murders, felonies, and all other evil doings, offences, and injuries whatsoever within the said county, as well within liberties as without, by whomsoever, and in what manner soever done, committed, or perpetrated ; and the said treasons, and other the premises, according to the laws and customs of England, for this time to hear and determine, &c. &c.

MURDER.

MURDER.

REX } **SURRY**, to wit. The jurors for our lord the king,
against } upon their oath, present, that Mary Taylor other-
TAYLOR. } wife Tayler, late of the parish of Wimbledon, in the
 said county of Surry, wife of John Taylor, otherwise Tayler, on the
 twenty-first day of March, in the twenty-second year of the reign
 of our present sovereign lord George the Third, &c. *being big with a
 certain infant male child, by the providence of God, and solely, and secretly
 brought forth the said infant male child alive,* from the body of her
 the said M. T. otherwise T. and that the said M. T. not having the
 fear of God before her eyes, but being moved and seduced by the
 instigation of the devil, afterwards, to wit, on the same day and
 year aforesaid, and as soon as the said infant male child was born,
 with force and arms, *at the parish of Wimbledon aforesaid,* in the
 county aforesaid, in and upon the said infant male child, then and
 there being alive, and then and there being in the peace of God,
 and of our said lord the king, *feloniously, voluntarily, and of her
 malice aforethought,* did make an assault, and that the said M. the
 said infant male child being alive, voluntarily, and of her malice
 aforethought, did then and there take in both her hands, and the
 said infant male child, so being alive, then and therewith, both her
 hands aforesaid, fixed about the neck of the said infant male child,
 so being alive, feloniously, voluntarily, and of her malice afor-
 thought, did choak and strangle, of which said choaking and
 strangling of the said infant male child aforesaid, with both the
 said hands of the said M. the said infant male child, then and there
 instantly died; and so the jurors aforesaid say that the said M. the
 said infant male child, in manner and form aforesaid, feloniously,
 voluntarily, and of her malice aforethought, killed and murdered,
 against the peace, &c. (2d Count exactly the same as 1st, only
 stating it to be for the murder of her infant female child, by
 strangling as in first Count.—3d Count for the murder of a cer-
 tain infant child by strangling it). And the jurors aforesaid, &c.
 do further present, that the said M. T. otherwise T. on the twen-
 ty-first day of March, in the twenty-second year of the reign
 aforesaid, being big with a certain other infant male child, &c. &c.
 did make an assault, and that the said M. the said infant male
 child last aforesaid, so being alive, did then and there take and
 carry to a certain shed, part of a certain building, called the work-
 house, in the parish aforesaid, and the same infant male child, last
 aforesaid, so being alive, did then and there in the said shed, fe-
 loniously, voluntarily, and of her malice aforethought, hide,
 secrete, and conceal, and the same infant male child, last as afore-
 said, so being alive, and so being hidden, secreted, and concealed,
 she the said M. did then and there feloniously, voluntarily, and of
 her own malice aforethought, leave and desert, and to nourish, sus-
 tain, and provide for the same infant male child last aforesaid, so
 being

For the murder
of her own male
child, by strangle-
ing it.

2d Count, for
murder of her
own female child.

3d Count for
murder of her
own infant child
by strangling it.

4th Count, for
murder of her
own infant male
child by hiding
and strangling it.

5th Count for the murder of her own female child by hiding and starving it.
6th Count, for the murder of her own infant child by hiding and starving it.
7th Count.

being alive, she the said M. did then and there wholly neglect and refuse, by reason of which, and hiding, secreting, and concealing the same infant male child, last aforesaid, in manner aforesaid, by the said M. and of the said refusal and neglect of the said M. to nourish, sustain, or provide for the said infant male child, last aforesaid, \div so being alive, the said infant male child last aforesaid, then and therein instantly died, and so the jurors aforesaid, upon their oath aforesaid, say that the said M. on the same day and year last-aforesaid, at the parish aforesaid, in the county aforesaid, the said infant male child last aforesaid, in manner and form aforesaid, feloniously, voluntarily, and of her malice aforethought, killed and murdered, against the peace, &c. (5th Count, for murder of a certain other infant female child, by hiding and starving it: 6th Count, for murder of a certain other infant child, by hiding and starving it.) N. B. put in the words, "to the jurors aforesaid unknown," in this count, at the \div in the 4th Count, &c. And the jurors aforesaid do further present, that the said M. T. otherwise T. on the said twenty-first day of March, in the said twenty-second year of the reign aforesaid not having the fear of God before her eyes, but being moved and seduced by the instigation of the devil, with force and arms, at the parish of W. aforesaid, in the county aforesaid, in and upon a certain other infant child, to the jurors aforesaid at present unknown, then and there lately born, and being alive, and then and there being in the peace of God, and of our said lord the king, feloniously, &c. did made an assault, and that the said M. the said infant child, to the jurors aforesaid unknown, and being alive, feloniously, &c. did then and there take both her hands, and the said infant child last aforesaid, to the jurors aforesaid, unknown, so being alive, then and there with both her hands aforesaid, fixed about the neck of the same infant child, last aforesaid, unknown, so being alive, feloniously, &c. did choak and strangle, of which said choaking and strangling of the said infant child last aforesaid, to the jurors aforesaid unknown, with both the hands of the said M. the said infant child last aforesaid, to the jurors aforesaid unknown, then and there instantly died, and so the jurors aforesaid, upon their oath aforesaid, say that the said M. the said infant child last aforesaid, to the jurors aforesaid unknown, in manner and form last aforesaid, feloniously, &c. killed and murdered, against the peace, &c. That she made an assault upon a certain other infant child, to the jurors aforesaid unknown, and secreted it, &c. (stated the same as the foregoing).

8th Count.

The defendant was tried at Kingston, in Surry, at the Summer Assizes 1782, and acquitted for want of evidence, to prove the actual delivery, or that

the child found was hers.—Asthurst, before whom it was tried, approved of this indictment.

Indictment

MIDDLESEX, to wit. The jurors for our sovereign lord the king upon their oath present, that Edward Quirk, late of &c. in making an assault on G. H. and beating him with a stick in such a manner, that he died.

&c. labourer,

&c. labourer, otherwise called Edward Kirk, late of the same place, labourer, together with a certain other person, to the jurors aforesaid as yet unknown, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on, &c. in the ninth year, &c. with force and arms, at &c. in &c. in and upon one George Hopkins, in the peace of God, and our said lord the now king, then and there being feloniously, wilfully, and of their malice aforethought, did make an assault, and that the said person, to the jurors aforesaid yet unknown, with a certain stick, of the value of one penny, which the said person, so to the jurors aforesaid, as yet unknown, in his right hand, then and there had and held, the said George Hopkins, in and upon the head of him the said G. H. on the right side thereof, near to the temple muscle, then and there feloniously, wilfully, and of his malice aforethought, did strike, giving to the said G. H. then and there with the stick aforesaid, by the stroke aforesaid, in manner aforesaid, in and upon the head of him the said G. H. in the right side thereof, near to the temple muscle, one mortal wound, of the length of two inches, and of the depth of half an inch, of which said mortal wound the said G. H. on and from the said eighth day of, &c. until and upon the third day, &c. in the ninth year aforesaid, as well at, &c. as at the parish of, &c. in, &c. did languish, and languishing did live, and then and there, that is to say, on &c. in the ninth year aforesaid, at, &c. in &c. he the said G. H. of the mortal wound aforesaid died, and that the said Edward Quirk, otherwise Edward Kirk, feloniously, wilfully, and of his malice aforethought, was present aiding, helping, abetting, comforting, assisting, and maintaining the said person, so to the jurors aforesaid yet unknown, in the felony and murder aforesaid, in manner and form aforesaid, to do and commit: And so the jurors aforesaid, upon their oath aforesaid, do say that the said person, so to the jurors aforesaid, as yet unknown, and the said Edward Quirk, otherwise, &c. the said G. H. in manner and form aforesaid, feloniously, wilfully, and of their malice aforethought, did kill and murder, against the peace of our said lord the king, his crown and dignity.

On this indictment defendant was tried and convicted.

CORNWALL, to wit. The jurors for our sovereign lord the king, upon their oath present, that John Clark late of Mevagissey, in the county of Cornwall, mariner, and Edward, otherwise Ned Hobbins, late of the same place, mariner, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the twentieth day of August, in the twenty-eighth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. with force and arms, in and on board a certain brig or vessel, called the Ann, whereof one Abraham Campbell, then was master and commander, upon the high seas, near the coast of Cornwall aforesaid,

An Indictment
for murder on
the high seas,
and the aider
and abettor.

to wit,

FELONY.

to wit, at Mevagissey, in the county of Cornwall, feloniously, wilfully, and of their malice aforethought, did make an assault, in and upon the said Abraham Campbell, in the peace of God, and our said lord the king, then and there being, and that the said John Clark, and Edward, otherwise Ned Hobbins, then and there feloniously, wilfully, and of their malice aforethought, did strike, knock down, and with great force and violence, beat, kick, and trample upon the said Abraham Campbell, and did also then and there feloniously, wilfully, and of their malice aforethought, seize and lay hold of, and with great force and violence, squeeze and press the neck and throat of the said Abraham Campbell, then and there giving unto the said Abraham Campbell, as well by striking, knocking down, beating, kicking, and trampling upon him the said Abraham Campbell, as by pressing and squeezing his neck and throat, in manner and form aforesaid, several mortal strokes, bruises, and hurts, of which said mortal strokes, bruises, and hurts, he the said Abraham Campbell, from the said twentieth day of August, in the year aforesaid, until the twenty-first day of August, in the same year, as well in and on board of the said brig or vessel, on the high seas aforesaid, as also at Mevagissey aforesaid, in the county aforesaid, did languish, and languishing did live, on which said twenty-first day of August, in the twenty-first year aforesaid, the said Abraham Campbell died of the several mortal strokes, bruises, and hurts aforesaid, to wit, at Mevagissey aforesaid, in the county aforesaid; and so the jurors aforesaid, upon their oath aforesaid, do say, that the said John Clark and Edward, otherwise Ned Hobbins, him the said Abraham Campbell, in manner and form aforesaid, feloniously, wilfully, and of their aforethoughts, did kill and murder, against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Clark, Edward, otherwise Ned Hobbins, not having the fear of God before their eyes, on the twentieth day of August, in the twenty-eighth year aforesaid, with force and arms, in and on board the said brig or vessel, called the Ann, whereof the said Abraham Campbell, then was master and commander, upon the high seas, near the coast of Cornwall aforesaid, feloniously, wilfully, and of their malice aforethought, did make an assault, in and upon the said Abraham Campbell, in the peace of God, and our said lord the king, then and there being; and that the said John Clark, and Edward, otherwise Ned Hobbins, then and there feloniously, wilfully, &c. did strike, knock down, and with great force and violence, beat, kick, and trample upon the said Abraham Campbell, then and thereby giving unto the said A. C. several mortal strokes, bruises, and hurts, of which said last-mentioned mortal strokes, bruises, and hurts, he the said A. C. from the said twentieth day of August, in the year aforesaid, until the said twenty-first day of August, in the same year, as well as in and on board of the said brig or vessel, on the high seas aforesaid, as also at Mevagissey aforesaid, in the county aforesaid, did languish, and languishing did

did live, on which said twenty-first day of August, in the twenty-eighth year aforesaid, the said Abraham Campbell died of the said last-mentioned several mortal strokes, bruises, and hurts, to wit, at, &c. aforesaid; and the jurors also said, upon their oath aforesaid, do say that the said John Clark and Edward, otherwise, Ned Hobbins, him the said A. C. in manner and form last aforesaid, feloniously, wilfully, and of their malice aforethought, did kill and murder, against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that &c. (as in the last count, as far as malice aforethought), did seize and lay hold of, and with great force and violence, squeeze and press the neck and throat of the said Abraham C. then and thereby giving unto the said A. C. several mortal bruises and hurts, of which said last mentioned mortal bruises and hurts, he the said A. C. from the said twentieth day of August, &c. &c. died of the several mortal bruises and hurts last-aforesaid, to wit, at, &c. aforesaid; and so the jurors aforesaid, &c. &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Clark, not having, &c. &c. and that the said John Clark then and there feloniously, wilfully, and of his malice aforethought did strike, knock down, and with great force and violence beat, kick, and trample upon the said A. C.; and did also then and there feloniously, &c. seize and lay hold of, and with great force and violence squeeze and press the neck and throat of the said A. C. then and there giving unto the said A. C. as well by striking, knocking down, beating, kicking, and trampling upon him the said A. C. as well by pressing and squeezing his said neck and throat, in manner and form aforesaid, several mortal strokes, bruises, and hurts, of which said last-mentioned strokes, bruises, and hurts, the said A. C. from the said twentieth August, &c. &c.; and so the jurors aforesaid, upon their oath do say that the said John Clark, him the said A. C. &c. did kill and murder, and that the said Edward, otherwise Ned Hobbins before the said last-mentioned felony and murder was done and committed, in manner and form aforesaid, to wit, on the said twentieth day of August, in the year aforesaid, with force and arms and on board the said brig or vessel, on the high seas, did feloniously, wilfully, and of his malice aforethought, incite, move, procure, counsel, and abet the said John Clark to do and commit the said last-mentioned felony and murder, in manner and form aforesaid, against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Clark, not having, &c. &c. and that the said John Clark, then and there feloniously, &c. did strike, knock down, and with great force and violence, beat, kick, and trample upon the said A. C. then and there, by giving unto the said A. C. several mortal strokes, bruises, and hurts, of which the said A. C. from the said twentieth day of August &c. &c. died of the several mortal strokes, bruises, and hurts last aforesaid, to wit, &c. aforesaid, and so the jurors aforesaid, upon their oath aforesaid, do say, that the said John Clark,

PIRACY.

him the said A. C. &c. &c. against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Clark not having, &c. &c. and that the said John Clark, then and there feloniously, &c. &c. did seize and lay hold of, and with great force and violence, squeeze and press the neck and throat of the said A. C. then and thereby giving unto the said A. C. several mortal bruises and hurts, of which said last-mentioned mortal bruises and hurts, the said A. C. from the said twentieth day of August, &c. &c. died of the several mortal bruises and hurts last aforesaid, to wit, at, &c. aforesaid; and so the jurors aforesaid, upon their oath aforesaid, do say, that the said John Clark, him the said A. C. &c. &c. against the peace of our said lord the king, his crown and dignity.

Drawn by Mr. TIDD.

As the murder in this case was not wholly committed at sea, the prisoners cannot be tried in the Admiralty by special commission, under the 28. H. 2. c. 15; but must be tried by a jury.

PIRACY.

Indictment for piracy, and running away with a boat, and the tackle, goods, &c.

ADMIRALTY OF ENGLAND. The jurors for our sovereign lord the king, upon their oath present, that John Clark, late of London, mariner, and Edward, otherwise Ned Hobbins, late of the same place, mariner, on the twentieth day of August, in the twenty-eighth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. with force and arms, upon the high seas, and within the jurisdiction of the Admiralty of England, that is to say, about the distance of from they the said John Clark, and Edward, otherwise Ned Hobbins, then and there being respectively subjects of our lord the king, and mariners in and on board of a certain brig or vessel called the Anne, then and there belonging and appertaining to — Manning and — Meeke, being so respectively subjects of our said lord the king, and whereof one Abraham Campbell, being also a subject of our said lord the king, then and there was master, did betray the trust in them reposed as such mariners, and did then and there, with force and arms, unlawfully turn pirates; and that the said John Clark, and Edward, otherwise Ned Hobbins, then and there, upon the high seas aforesaid, and within the jurisdiction aforesaid, with force and arms, piratically and feloniously did steal, take, and run away with a certain boat and the tackle, apparel, and furniture thereof, of the value of of lawful money of Great Britain, (here set forth what the prisoners ran away with belonging to Messrs. Manning, &c. and the value of them), of the goods and chattels of the said — Manning, and — Meeke, then and there found and being in the said brig or vessel, against the form

form of the statute, &c. and against the peace of our said lord the king, his crown and dignity (a). And the jurors aforesaid, upon their oath aforesaid, do farther present, that the said John Clark, and Edward, otherwise Ned Hobbins, on the said twentieth day of August, in the twenty-eighth year aforesaid, with force and arms, upon the high sea aforesaid, and within the jurisdiction aforesaid, that is to say, about the distance of from (they the said John Clark, and Edward, otherwise Ned Hobbins, then and there being respectively subjects of our said lord the king, and mariners in and on board of a certain ship or vessel, called the Anne, then and there belonging and appertaining to certain subjects of our said lord the king, to the jurors aforesaid, as yet unknown, and whereof one Abraham Campbell, being also a subject of our said lord the king, then and there was master), did betray the trust in them reposed as such mariners, and did then and there, with force and arms, unlawfully turn pirates; and the said John Clark, Edward, otherwise Ned Hobbins, then and there upon the high sea aforesaid, and within the jurisdiction aforesaid, with force and arms, piratically and feloniously did steal, take, and run away with a certain boat and the tackle, apparel, and furniture thereof, of the value of of lawful money of Great Britain (here set forth the other goods as above), *of the goods and chattels of certain subjects of our said lord the king, to the jurors aforesaid as yet unknown*, then and there found, and being in the said brig or vessel, under the care and custody, and in the possession of the said Abraham Campbell, as master of the said brig or vessel as aforesaid, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

Drawn by MR. TIDD.

(a) 11. & 12. W. 3. c. 7.

ROBBERY.

J. THE jurors, &c. for that J. G. late of , labourer, on the day of , with force and arms, at the parish aforesaid, Indictment for an highway robbery. in the kings common highway, therein and upon one W. H. in the peace of God and our said lord the king, in the highway then and there being, then and there feloniously did make an assault, and him the said W. H. in bodily fear and danger of his life, in the highway aforesaid, then and there feloniously did put, and take one silver watch, of the value of four pounds, one silver seal, of the value of two pence, and twelve pounds in money, of the goods, chattels, and monies of the said W. H. from the person of the said W. H. and against the will of the said W. H. in the highway aforesaid, then and there feloniously did take and carry away, against the peace of, &c.

Indictment for
breaking adwell-
ing house, and
stealing to the
value of 40s.

MIDDLESEX, to wit. The jurors of our lord the king upon their oath present, that one William Marshall, late of on the twelfth day of January, in the thirty-third year of the reign of our sovereign lord George the Third, king of Great Britain, &c. about the hour of in the noon of the same day, with force and arms, at the parish of St. Mary-le-Bone, otherwise Marybone, in the said county of Middlesex, the dwelling-house of one Elizabeth Hewlett, then and there situate, feloniously did break and enter, and

(a) set them out.

(a) the things stolen, of the value of forty shillings, then of the goods and chattels of the said Elizabeth Hewlett, in the said dwelling-house of the said Elizabeth Hewlett, there situate, then and there being found, feloniously did steal, take, and carry away, against the peace of our said lord the king, his crown and dignity, and also against the form of the statute in such case made and provided.

2d Count, for
stealing, &c.
that value, with-
out charging the
breaking, 12.
Ann. stat. 1. c. 7.
f. 1.

And the jurors aforesaid, upon their oaths aforesaid, further present, that the said William Marshall, on the said twelfth day of January, in the thirty-third year of the reign of our sovereign lord the king, with force and arms, at the parish aforesaid, in the county aforesaid (b) (the goods) of the value of forty shillings of the goods and chattels of the said Elizabeth Hewlett, in the dwelling-house of her the said

(b) set them out.

Elizabeth Hewlett there situate, then and there being found, feloniously did steal, take, and carry away, against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Marshall, on the said twelfth day of January, in the thirty-third year of the reign of our sovereign lord the king, with force and arms, &c. at the parish aforesaid, in the county aforesaid (c) (the goods) of the value of forty shillings of the goods and chattels of the said Elizabeth Hewlett, in the dwelling-house of her the said Elizabeth there situate, then and there being and found, feloniously did steal, take and carry away, and her the said Elizabeth, then and there being in the said last-mentioned dwelling-house, did then and there put in bodily fear of her life, against the peace of our said lord the king, his crown and dignity, and against the form of the statute in such case made and provided. And the jurors aforesaid, upon

(c) set them out.

3d Count, for
stealing, &c. in
the house, and
putting the
owner in fear,
3. & 4. W. & M.
c. 9. f. 1.

And the jurors aforesaid, do further present, that the said W. M. on the said twelfth day of January, in the thirty-third year of the reign of our said sovereign lord the king, at the parish aforesaid, in the county aforesaid, feloniously did comfort and abet, assist, counsel, hire, and command certain persons, to wit, one John Miller, and divers other persons at present unknown to the jurors aforesaid, feloniously to take away (d) (the goods) of the goods and chattels of the said Elizabeth Hewlett, then and there being found in the dwelling-house of the said E. H. there situate, and also to put in bodily fear of her life her the said E. H. then and there being in the said dwelling-house, and which said last-mentioned goods and chattels, being of the value aforesaid, in the said dwelling-house, they the said John Miller, and the said other persons at present unknown to the

(d) set them out.

4th Count, for
aiding and abet-
ting others to do
it, same statute.

And the jurors aforesaid, do further present, that the said W. M. on the said twelfth day of January, in the thirty-third year of the reign of our said sovereign lord the king, at the parish aforesaid, in the county aforesaid, feloniously did comfort and abet, assist, counsel, hire, and command certain persons, to wit, one John Miller, and divers other persons at present unknown to the jurors aforesaid, feloniously to take away (d) (the goods) of the goods and chattels of the said Elizabeth Hewlett, then and there being found in the dwelling-house of the said E. H. there situate, and also to put in bodily fear of her life her the said E. H. then and there being in the said dwelling-house, and which said last-mentioned goods and chattels, being of the value aforesaid, in the said dwelling-house, they the said John Miller, and the said other persons at present unknown to the

the jurors aforefaid, in purfuaunce of fuch the faid comforting, aiding, abetting, counfelling, hiring, and commanding of the faid William Marfhall, feloniously did then and there take away, and alfo her the faid E. H. then and there being in the faid dwelling-houfe, did then and there put in bodily fear of her life, againft the peace of our lord the king, his crown and dignity, and againft the form of the ftatute in fuch cafe made and provided.

T. BARROW.

ON PARTICULAR STATUTES.

Indictment for putting off counterfeit fhillings and fixpences for more than their denominated value.

MIDDLESEX, to wit. The jurors for our lord the king upon their oath prefent, that *Thomas Deane* (1), late of the parifh of , in the county of Middlefex, *labourer* (2), after the fifteenth day of May, which was in the year of Our Lord 1697, to wit, on the *feventh* (3) day of September, in the *twenty-feventh* (4) year of the reign of our fovereign lord George the Third, now king of Great Britain, and fo forth, with force and arms, at the parifh aforefaid, in the county aforefaid, *fixteen* (5) pieces of false and counterfeit milled money and coin, each and every of them made and counterfeited to the likenefs and fimilitude of a piece of good, legal, and current milled money and fiver coin of this realm called a fhilling, and *thirty* (6) pieces of false and counterfeit milled money and coin, each and every of them made and counterfeited to the likenefs and fimilitude of a piece of good, legal, and current milled money and fiver coin of this realm called a fixpence, the fame feveral counterfeited pieces of money, not being then cut in pieces, then and there unlawfully and feloniously did put off to one *Asher Simon* (7), at a lower rate and value than the fame feveral counterfeited pieces of milled money did by their denomination import and were counterfeited for, that is to fay, for one piece of current gold coin of this realm called a guinea, being of the value of twenty-one fhillings (8), againft the form of the ftatute in fuch cafe made and provided, and againft the peace of our faid lord the king, his crown and dignity. And the jurors aforefaid, upon their oath aforefaid, do further prefent, that the faid *Thomas Deane* (9), after the faid fifteenth day of May, which was in the year of Our Lord 1697, to wit, on the faid *feventh* (10) day of September, in the *twenty feventh* (11) year aforefaid, with force and arms, at the parifh aforefaid, in the county aforefaid, *fixteen* (12) pieces of false and counterfeit milled money, and coin, each and every of them made and counterfeited to the likenefs and fimilitude of a piece of good, lawful, and current milled money and fiver coin of this realm called a fhilling, and *thirty* (13) pieces of false and counterfeit milled money and coin, each and every of them made and counterfeited to the likenefs and fimilitude of a piece of good, lawful, and current milled money and fiver coin of this realm called a fixpence; the fame feveral counterfeited pieces of money, not being then cut

(1) "Anne Rimes"
(2) "spinfter,"
(3) "twenty-second"
(4) "twenty-eighth"
(5) "fix"
(6) "fix"

(7) "Mary, the wife of Patrick Donohoe"

(8) "for two fhillings and fixpence in monies numbered"

(9) "Anne Rimes"

(10) "twenty-second"

(11) "twenty-eighth"

(12) "two"

(13) "fix"

(1) "Mary, the wife of Patrick Regan" in pieces, then and there unlawfully and feloniously did put off to the said *Asber Simon* (1) at the rate of *sixteen* (2) of such pieces of counterfeit milled money called shillings, and *thirty* (3) of such pieces of counterfeit milled money called sixpences, for *one piece of current gold coin of this realm called a guinea, being of the value of twenty-one shillings* (4), and being at a lower rate and value than the same counterfeit pieces of milled money did by their denomination import and were counterfeited for, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

Indictment for
plundering a
wreck.

GLAMORGANSHIRE. *ff.* THE jurors for our lord the king upon their oath present, that on the twenty-eighth day of December, in the twenty-second year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth, a certain ship called the *Caterina*, the property of was stranded at the parish of Pyle and Kenfigg, in the county of Glamorgan aforesaid; and that William Harry, late of the parish of Pyle and Kenfigg aforesaid, in the county of Glamorgan aforesaid, butcher, then and there, to wit, on the day and year last aforesaid, with force and arms, at the parish of Pyle and Kenfigg aforesaid, in the said county of Glamorgan, wilfully and feloniously did plunder, steal, take away, and destroy twenty pounds weight of cotton, of the value of twenty shillings, then and there being certain goods and merchandizes, the property of from and belonging to the said ship called the *Caterina*, so then and there stranded as aforesaid, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Harry, on the said twenty-ninth day of December, in the twenty-second year of the reign of our said lord the king, with force and arms, at the parish of Pyle and Kenfigg aforesaid, in the said county of Glamorgan, twenty pounds weight of cotton, of the value of twenty shillings, then and there being certain goods and merchandize the property of , from and belonging to a certain ship or vessel called the *Caterina*, belonging to the said , then and there being in distress within his majesty's dominions, to wit, at the parish of Pyle and Kenfigg, in the said county of Glamorgan, then and there feloniously did plunder, steal, and take away, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that on the twenty-eighth day of December, in the twenty second year of the reign of our said lord the now king, a certain ship called the *Caterina*, the property of , was wrecked, lost, stranded, and cast
on

on shore in his majesty's dominions, to wit, at the parish of Pyle and Kenfigg, in the county of Glamorgan aforesaid; and that William Harry, late of the parish of Pyle and Kenfigg, in the county aforesaid, then and there, to wit, on the day and year aforesaid, with force and arms, at the parish of Pyle and Kenfigg aforesaid, in the county of Glamorgan aforesaid, feloniously did plunder, steal, take away, and destroy twenty pounds weight of cotton, of the value of twenty shillings, of the goods and merchandize of from and belonging to the said ship called the Caterina, so then and there being wrecked, stranded, and cast on shore as aforesaid, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity.

As I have not the facts of the case stated to me, I cannot make any alteration in the indictment. But the Counts are properly drawn within the words of the act of parliament.

H. HOWARTH.

REX } **LONDON.** The jurors for our sovereign lord
against } the king upon their oath present, that Mark Groves,
BERTHAND. } of East Smithfield, in the county of Middlesex,
porkman, on the twenty-sixth day of April, in the twenty-second year, &c. was possessed of and intitled unto a certain transferrable share, to wit, of and in a capital stock of annuities established by certain acts of parliament, that is to say, by an act of parliament made in the twenty-fifth year of the reign of his late majesty king George the Second, intituled, "An Act for converting the several Annuities therein-mentioned into several joint Stocks of Annuities transferable at the South Sea House;" and by an act made in the twenty-eighth year of his said late majesty's reign, intituled, "An Act for granting to his Majesty the Sum of One Million to be raised by a Lottery;" and by another act made in the twenty-ninth year of his said late majesty, intituled, "An Act for granting to his Majesty the Sum of Two Millions, to be raised by Way of Annuities and a Lottery, and charged on the Sinking Fund, redeemable by Parliament, and for extending to Ireland the Laws made in this Kingdom against private and unlawful Lotteries;" and by another act of parliament made in the thirty-first year of, &c. intituled, "An Act for granting to his Majesty several Rates and Duties upon Offices and Penfions, upon Houses, and upon Windows or Lights, and for raising the Sum of Five Millions by Annuities and a Lottery, to be charged on the said Rates and Duties;" and by another act of parliament made in the thirty-second year of, &c. intituled, "An Act for adding certain Annuities granted in the Year 1757 to the joint Stock of Three per Cent. Annuities consolidated by the Acts of the Twenty-Fifth, Twenty-Eighth, and Twenty-Ninth Years of his present Majesty's Reign, and for carrying the several Duties therein-mentioned to the Sinking Fund, and for charging the Annuities

Indictment for personating the proprietor of 1000. consolidated Bank annuities, and transferring the same.

25. Geo. 2. c. 27.

28. Geo. 3. c. 15.

29. Geo. 3. c. 11.

31. Geo. 3. c. 22.

32. Geo. 3. c. 23.

- “ on single Lives granted in the Year 1757 on the Produce of the
 “ said Fund ;” and by another act of parliament made in the
 33. Geo. 2. c. 12. thirty-third year of, &c. intituled, “ An Act for adding certain
 “ Annuities granted in the Year 1759 to the joint Stock of Three
 “ per Cent. Annuities, consolidated by the Acts of the Twenty-
 “ Fifth, Twenty-Eighth, Twenty-Ninth, and Thirty-Second
 “ Years of his present Majesty’s Reign, and for carrying the
 “ several Duties therein mentioned to the Sinking Fund, and for
 “ Cancelling such Lottery Tickets as were made forth in Pur-
 “ suance of an Act in the Thirtieth Year of the Reign of
 “ his present Majesty as were not disposed of ;” and by another
 7. Geo. 3. c. 7. act of parliament, made in the first year of the reign of our present
 sovereign lord the king, intituled, “ An Act for granting to his
 “ Majesty an additional Duty upon Strong Beer and Ale, &c. and
 “ for raising the Sum of Twelve Millions by Way of Annuities,
 “ and a Lottery to be charged on the said Duty, and for furthering
 “ the Exportation of Strong Beer and Ale ;” and by another act
 6. Geo. 3. c. 31. of parliament made in the sixth year of our said present sovereign
 lord the king, intituled, “ An Act for raising the Sum of One
 “ Million Five Hundred Thousand Pounds by Way of Annuities
 “ and a Lottery, to be charged on the Sinking Fund ;” and by
 another act of parliament made in the seventh year of the reign of
 7. Geo. 3. c. 24. our present lord the now king, intituled, “ An Act for raising the
 “ Sum of One Million Five Hundred Thousand Pounds by Way
 “ of Annuities and a Lottery, attended with Annuities to be
 “ charged on the Sinking Fund ;” and by another act of parlia-
 8. Geo. 3. c. 37. ment, made in the eighth year of, &c. intituled, “ An Act for
 “ raising a certain Sum of Money by Way of Annuities and a
 “ Lottery, attended with Annuities to be charged on the Sinking
 “ Fund, and for carrying certain Duties on Wines, Cyder, and
 “ Perry, granted by Two Acts of the Third and Sixth Years of
 “ his present Majesty, to the said Fund ;” and by another act of
 10. Geo. 3. c. 36 parliament, made in the tenth year of the reign of, &c. intituled,
 “ An Act for establishing a Lottery, and for other Purposes
 “ therein mentioned ;” and by another act of parliament, made in
 16. Geo. 3. c. 14. the sixteenth year of, &c. intituled, “ An Act for granting certain
 “ Duties on Coaches and other Carriages therein mentioned, and
 “ several Rates and Duties upon Indentures, Leases, Bonds, and
 “ other Deeds, and upon Cards, Dice, and Newspapers, and for
 “ raising the Sum of Two Millions by Way of Annuity and a
 “ Lottery, to be attended with Annuities ;” and by another act of
 18. Geo. 3. c. 22. parliament, made in the eighteenth year of, &c. intituled, “ An Act
 “ for raising a certain Sum of Money by Way of Annuities, and
 “ for establishing a Lottery ;” and by another act of parliament,
 19. Geo. 3. c. 18. made in the nineteenth year of, &c. intituled, “ An Act for raising
 “ a certain Sum of Money by Way of Annuities, and for esta-
 “ blishing a Lottery ;” and by another act of parliament, made in
 21. Geo. 3. c. 14. the twenty-first year, &c. intituled, “ An Act for raising a certain
 “ Sum of Money by Way of Annuities and a Lottery, and for
 “ consolidating

" consolidating certain Annuities which were made one joint Stock
 " by an Act of Parliament made in the Second Year of, &c. with
 " certain Annuities consolidated by several Acts made in the
 " Twenty-Fifth and Twenty-Sixth Years of George the Second,
 " and the Fifth of his present Majesty ;" and by another act of 22. Geo. 3.
 parliament, made in the twenty-second year, &c. intitled, " An
 " Act for raising a certain Sum of Money by Way of Annuities,
 " and for establishing a Lottery ;" the proprietors of which said
 annuities, so established as aforesaid, then, to wit, on the twenty-
 fifth day of April, in the twenty-second year aforesaid, had, in
 respect of the said annuities, transferable shares in the said capital
 stock of the said annuities, in proportion to their respective annu-
 ities, to wit, at London aforesaid, that is to say, at the parish of Saint
 Christopher le tock, in the ward of Broad-Street, in London
 aforesaid ; and that he the said M. Groves, on the said twenty-sixth
 day of April, in the twenty second year aforesaid, was the true and
 real proprietor of a share in the said annuities, and in respect thereof
 then and there had the said transferring share above-mentioned of
 and in the said capital stock of the said annuities And the jurors
 aforesaid, upon their oath aforesaid, further present, that Henry
 Berthand, late of London, labourer, well knowing the premises,
 but wickedly devising and intending the governor and company of
 the Bank of England to defraud, afterwards, to wit, on the twenty-
 sixth day of April, in the twenty-second year aforesaid, with force
 and arms, at London aforesaid, that is to say, at the parish of Saint
 Christopher aforesaid in the ward of Broad-street, in London
 aforesaid, falsely, deceitfully, and feloniously did personate the said
 M. G. the true and real proprietor of the said one hundred pounds
 share of and in the said capital stock of the said annuities, and
 thereby did then and there feloniously transfer the said one hundred
 pounds share of the said M. G. of and in the said capital stock of the
 said annuities unto one R. B. as if he the said R. B. then was the
 true and lawful owner of the said one hundred pounds share of and
 in the said capital stock of the said annuities, against the form, &c.
 and against the peace, &c. And the jurors aforesaid, upon their oath
 aforesaid, further present, that the said M. G. on the twenty-sixth
 day of April, in the twenty-second year aforesaid, was possessed of
 and entitled to a share, to wit, one hundred pounds share of and in
 certain transferable annuities established by certain other acts of
 parliament made in the twenty-fifth year of, &c. (set forth all the
 acts of parliament as in the first Count) ; and that the said M. G.
 on the said twenty-fifth day of April, in the twenty-second year
 aforesaid, was the true and real proprietor of the said one hundred
 pounds share of and in the said last-mentioned annuities. And the
 jurors aforesaid, upon their oath aforesaid, further present, that the
 said H. B. well knowing the premises, but wickedly devising and
 intending the governor and company of the Bank of England to
 deceive and defraud, to wit, on the said twenty-sixth day of April, in
 the twenty-second year aforesaid, with force and arms, at London
 aforesaid

ad Count.

3d Count.

aforesaid, that is to say at the parish of, &c. in the ward of, &c. in London aforesaid, falsely, deceitfully and feloniously did personate the said M. G. the true and real proprietor of the said hundred pound share, of and in the said last mentioned annuities, and thereby did then and there feloniously transfer the said one hundred pounds share of the said M. G. of and in the said last-mentioned annuities, unto one R. P. as if he the said R. B. then was the true and real proprietor of the said one hundred pounds share of and in the said annuities, against the form, &c. and against the peace, &c. And the jurors aforesaid, upon their oath aforesaid, further present, that the said M. G. on the said twenty-sixth of April, in the twenty-second year aforesaid, was possessed of and intitled to a certain other share, to wit, one hundred pounds share, of and in certain annuities, in respect which of the proprietors of the said last-mentioned annuities, then had transferable shares of and in the said capital stock of annuities, established by certain other acts of Parliament, that is to say, by, &c. (set forth all the acts as above), in proportion to their respective annuities, and that he the said M. G. &c. (as in last Count), against the form, &c. and against the peace, &c. (4th Count same as the third).

4th Count.

Defendant was tried in September sessions, 1782, at the Old Bailey, and convicted: Mr. Graves was admitted to give evidence, it appearing that the

Bank had replaced his stock, by which his interest in proving that he had not transferred is removed.

MISDEMEANOR.

BURNING DWELLING-HOUSES.

Indictment for arson in setting fire to a floor in a house contiguous to others, with intent to set it on fire.
2d Count for attempting to set his own house on fire.

SURRY. The jurors for our lord the king, upon their oath present, that A. B. late of the parish of S. in the county of S. carpenter, being a person of a wicked mind and disposition, and unlawfully and maliciously, devising and intending to set on fire and burn a certain house belonging to him the said A. B. situate in the parish aforesaid, in the county aforesaid, on the twenty-eighth day of May, in the thirty-third year of the reign of our sovereign lord George the Third, king of Great Britain, &c. with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully, wickedly, and maliciously did set fire to a certain part of the wooden floor of and belonging to the said house, which said wooden floor was then and there placed on the ground floor of the said house, *which said house was then and there contiguous and near to a certain dwelling house of and belonging to divers of the liege subjects of our said lord the king, situate in the parish aforesaid, in the county aforesaid,* with a wicked intention by means of such setting fire to the said

said part of the said wooden floor, of and belonging to the said house, of the said A. B. then and there unlawfully, wilfully, and maliciously to set on fire and burn the said house of the said A. B. *to the great damage, danger, terror, and affrightment of all the liege subjects of our said lord the king, near the house of the said A. B. then and there inhabiting and dwelling; in contempt of our said lord the king and his laws, to the evil example, &c. and against the peace, &c.* And the jurors, &c. that the said A. B. being, &c. afterwards, to wit, on, &c. at, &c. unlawfully and maliciously did attempt then and there to set on fire and burn a certain house of the said A. B. situate in the parish, &c. (conclude this count with the words in Italic in the first).

ad Count.

N. B. If the house was actually on fire, and part burnt, leave out the words in the ad Count in Italic.

MIDDLESEX. The jurors for our lord the king upon their oath present, that Elizabeth Wead, late of the parish of Saint James, Clerkenwell, in the county of Middlesex, singlewoman, being a person of a wicked mind and disposition, and not having the fear of God before her eyes, but being moved and seduced by the instigation of the devil, on the twenty-first day of May, in the twenty-sixth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully, wilfully, and maliciously did set fire to part of the wainscot of and belonging to a certain room, then being in the occupation of her the said Elizabeth Wead, and then being parcel of the dwelling house of Edward Dod, situate in a certain street called Great Bath-street, in the parish aforesaid, in the county aforesaid, and which said dwelling-house there was contiguous and adjoining to certain other dwelling-houses, thereof and belonging to divers of the liege subjects of our said lord the king, with a wicked intention by means thereof, then and there unlawfully, wilfully, and maliciously to burn and consume the said room, and two other rooms, then and there being in the occupation of her the said Elizabeth Wead, and which said last-mentioned rooms then were also parcel of the said dwelling-house of him the said Edward Dod, to the great damage of the said Edward Dod, to the great danger, terror, and affrightment of all the liege subjects of our said lord the king, near the said dwelling house of the said Edward Dod, then and there inhabiting and dwelling, in contempt of our said lord the king, and his laws, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, further present, that the said Elizabeth Wead, being such person as aforesaid, afterwards (that is to say), on the said twenty-first day of May, in the twenty-sixth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully, wickedly, and maliciously did set fire to a certain quantity of gunpowder, (to wit), one ounce

Indictment for setting fire to part of the wainscot of a room in which defendant lodged, in a house contiguous to others.

ad Count, for putting gunpowder and combustibles in a trunk, in the dining-room.

3d Count for attempting to set fire to three other rooms.

ounce of gunpowder, then lately before put by her the said Elizabeth Wead, into a certain wooden trunk, among divers combustible materials, then being in the said trunk, and which said trunk, then was placed in a certain room, there called the dining room, then and there being in the occupation of her the said Elizabeth Wead, and which said room, called the dining-room, then was parcel of the said dwelling-house of him the said Edward Dod, situate in a certain street, called Great Bath street, in the parish aforesaid, in the said county aforesaid, and which said dwelling-house then was contiguous and adjoining to certain other dwelling-houses, thereof and belonging to divers of the liege subjects of our said lord the king, with a wicked intention by means thereof, then and there unlawfully, wilfully, and maliciously to set on fire and burn the said room, called the dining room, so then being in the occupation of her the said Elizabeth Wead, to the great damage of the said Edward Dod, to the great danger, terror, and affrightment of all the liege subjects of our said lord the king near the said dwelling house of the said Edward Dod, then and there inhabiting and dwelling, in contempt of our said lord the king, and his laws, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, further present, that the said Elizabeth Wead, being such person as aforesaid, afterwards, (that is to say), on the said twenty-first day of May, in the twenty-sixth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully, wickedly, and maliciously did attempt then and there to set fire to, and burn and consume certain rooms, (to wit), three rooms of and belonging to the dwelling-house of the said Edward Dod, situate in a certain street called Great Bath-street, in the parish aforesaid, in the county aforesaid, and which said last-mentioned rooms, then and there were in the occupation of her the said Elizabeth Wead, the said last-mentioned dwelling-house there being contiguous and adjoining to certain other dwelling houses, thereof and belonging to divers of the liege subjects of our said lord the king, to the great danger and affrightment of all the liege subjects of our said lord the king, near the said dwelling-house of the said Edward Dod, then and there inhabiting and dwelling, in contempt of our said lord the king and his laws, and against the peace of our said lord the king, his crown and dignity.

I approve of this draft.

V. GIBBS.

Counts of the like sort, with intention to defraud the Insurance Company?

I do not think it necessary.

Quart. If necessary to add any other

V. GIBBS.

ASSAULT.

Indictment against a commander in chief of one of the East-India provinces, for an assault and imprisoning the prosecutor there for ten months

MIDDLESEX. The jurors for our sovereign lord the king upon their oath present, that Sir R. B. late of Westminster, in the

county

county of Middlesex, knight, was heretofore employed in the East Indies, in the service of the united company of merchants of England, trading to the East Indies, commonly called the "East India Company," in a military capacity, that is to say as commander in chief of the said Company's forces, at the fortress of Allahabad, in the province of Allahabad, in the East Indies, and that the said Sir R. B. during the time that he was so employed, to wit, from the tenth of March, in the seventh year of the reign of our sovereign lord the king, was guilty of an offence against one Thomas Davie, one of his majesty's subjects beyond the seas in the East Indies aforesaid, to wit, within his jurisdiction, that is to say at A. aforesaid, for that he the said Sir R. B. then and there, with force and arms, to wit, with swords, staves, and sticks in and upon the said T. D. in the peace of God and our said lord the king then and there being, did make an assault, and him the said T. D. did beat, wound, and ill-treat, so that his life was greatly despaired of, and him the said T. D. then and there with force and arms, unlawfully, injuriously, oppressively, and against the will of him the said T. D. and against the laws of that part of Great Britain called England, without any legal warrant or authority, and without any reasonable or probable cause whatsoever, did imprison, and detain in prison, for a long space of time, to wit, for the space of ten months then next following, that is to say, at Westminster, in the county of Middlesex, and other wrongs to the said T. D. then and there did to the great damage of the said T. D. in contempt of our said lord the king, his crown and dignity, &c. And the jurors aforesaid, ^{2d Count.} upon their oath aforesaid, do further present, that the said Sir R. B. was heretofore in the East Indies, in the service of the united company of merchants of England trading to the East Indies, commonly called the "East India Company," in a military capacity, that is to say, as commander in chief of the said company's forces at the fortress of Allahabad, in the province of Allahabad, in the East Indies, and that the said Sir R. B. during the time that he was so employed, to wit, on the tenth day of March in the seventh year aforesaid, was guilty of an offence against the said T. D. one of his majesty's subjects beyond the seas, in the East Indies aforesaid, to wit, within his jurisdiction, that is to say at Allahabad aforesaid, and also at Moughier, in the province of Bahar, in the East Indies, and at Calcutta, in the East Indies, for that he the said Sir R. B. then and there, that is to say at Allahabad aforesaid, with force and arms, to wit, with swords, staves, and sticks, in and upon the said T. D. in the peace of God and of our said lord the king then and there being, did make an assault, and him the said T. D. did then and there beat, wound, and ill-treat, so that his life was greatly despaired of, and him the said T. D. then and there, with force and arms, wrongfully, unlawfully, injuriously, and oppressively, against the will of the said T. D. and against the laws of that part of Great Britain called England, without any legal warrant or authority, and without any reasonable or probable cause whatsoever, did imprison and detain in prison for a long time, to wit,

3d Count.

wit, for the space of ten months then next following, that is to say, for a part of the time aforesaid, to wit, for the space of one month, at Allahabad aforesaid, for other part of the time aforesaid, to wit, for the space of six months, at Moughier aforesaid, and for the residue of the time aforesaid, at Calcutta aforesaid, to wit, at Westminster, in the county of Middlesex, and other wrongs, &c. &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Sir R. B. was heretofore employed in the East Indies, in the service of the united company of merchants of England, trading to the East Indies, commonly called the "East India Company," in a military capacity, that is to say, as colonel and commander of the third brigade, of the said company's military, on the Bengal establishment, at Allahabad aforesaid, and that the said Sir R. B. during the time that he was so employed, to wit, on, &c. was guilty of an offence, &c. (the same as the first count exactly, 4th count same as the second, except as to the stating the military capacity of the defendant, which must be stated as in the 3d count). And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Sir R. B. heretofore, to wit, at the time of the committing the grievances hereinafter mentioned, in the East Indies, claimed power and authority from the united company of merchants of England, trading to the East Indies, commonly called the "East India Company," that is to say as commander in chief of the said company's forces at the fortress of Allahabad, in the province of Allahabad, in the East Indies, and that the said Sir R. B. during the time that he so claimed such power and authority, to wit, on, &c. was guilty of an offence against the said T. D. &c. (as in the first count exactly, the 6th, 7th, and 8th counts same as 2d, 3d, and 4th respectively, with the same variations respectively between them as between the 1st and 5th). And the jurors, &c. present, that the said Sir R. B. heretofore, that is to say, at the time of the committing the grievances hereinafter, in the East Indies, claimed power and authority, from certain of his majesty's subjects then residing in India, that is to say from Henry Verelot, esquire, then president of Fort William in Bengal, in the East Indies, one of the principal settlements in the East Indies, of the said united company of merchants of England trading to the East Indies, commonly called the "East India Company," R. Smith, esquire, then one of the said company's council, at Fort William, in Bengal aforesaid, Charles Floyer, esquire, then one of the said company's council, at Fort William, in Bengal aforesaid, John Autier, esquire, then one of, &c. R. Beecher, esquire, then one of, &c. Alexander James, esquire then one of, &c. Claud Russel, esquire, then one of, &c. William Alderney, esquire, then one of, &c. Thomas Kendal, esquire, then one of, &c. that is to say, as commander in chief of the said company's forces at the fortress of Allahabad in the province of Allahabad, in the East Indies; and that the said Sir R. B. during the time that he claimed such power and authority, as last aforesaid, to wit, on, &c. (as in 1st count exactly), the 10th, 11th, and last counts the same as 2d, 3d, and 4th respectively,

5th Count.

9th Count.

respectively, with the same variations respectively between them as between the 1st and 9th). Wherefore the sheriff of the said county of Middlesex was commanded that he should not forbear by reason of any liberty within his bailiwick, but that he should cause him to come to answer to our said lord the king, touching and concerning the premises aforesaid, and now, that is to say, on Thursday next, after the octave of St. Hilary, in this same term, before our said lord the king at Westminster, came the said Sir R. B. knight, by Robert Belt his attorney, and having heard the said indictment read, he says, that he is not guilty thereof, and hereupon he puts himself upon the country; and Sir J. Burrow, knight, coroner and attorney of our said lord the king, in the court of our said lord the king, before the king himself, who for our said lord the king prosecuteth, doth the like.

J. MOROAN.

The defendant, in Hilary Term 1777, was found guilty.

EAST RIDING OF THE COUNTY OF YORK. The Indictment for
jurors for our sovereign lord the king, upon their oath present, that assaulting a collector of tolls in the execution of his office.
Benjamin Johnson, late of the town of Kingston upon Hull, in the county of the same town, mariner, on the fourth of October, in the twenty-seventh year of the reign of our sovereign lord George the Third, king of Great Britain, &c. with force and arms, at Wood nansey turnpike bar, in the parish of St. John, in Beverley, in the East Riding of the county of York, in and upon one John Burril, then and there being one of the collectors and receivers of the monies payable by virtue of a certain act of Parliament, made in the thirteenth year of his present majesty's reign, intituled "an Act for repairing a Road between the town of Kingston upon Hull and Beverley, in the East Riding of the County of York," and in the peace of God and our said lord the king, and in the execution of his said office, then and there being, did make an assault, and him the said J. B. did then and there beat, wound, and ill-treat, so that his life was greatly despaired of, and other wrongs to the said J. B. and against the peace of our said lord the king, his crown and dignity, (another count for a common assault, without stating Burril to be collector, &c. or in the exercise of his office); which Plea, in abatement, that the offence was committed within the town of Beverley, and shewing by letters patent an exclusive jurisdiction in the corporation of Beverley, to try all offences committed within that town.
said indictment, our said lord the king afterwards for certain reasons caused to be brought before him, to be determined according to the law and custom of England, wherefore the sheriff of the said county of York was commanded that he should not forbear by reason of any liberty of his bailiwick, but that he should cause him to come to answer to our said lord the king, touching and concerning the premises aforesaid; and now at this day, that is to say on Friday next, after eight days of St. Hilary, in this same term, before our said lord the king at Westminster, comes the said B. Johnson, by Henry Dealtry his clerk in court, and having

having heard the said indictment read, prays judgment thereof, and that the same may be qualshed, because protesting that he is not guilty of the supposed offences, in the said indictment specified, or of either of them, the said Benjamin says, that the said several offences, if any such were committed at Woodmanley turnpike-bar, in the said indictment specified, were committed within the precincts or liberties of the town of Beverley, in the county of York, and not elsewhere; and the said Benjamin further says, that the said town of Beverley, from time whereof, &c. hath been and is an ancient town or borough, and the burgesses and inhabitants of the said town or borough of Beverley, by virtue of divers incorporations, during all the time aforesaid, have been and are an ancient corporation and body corporate, which at the time of the granting of the letters patent hereinafter next mentioned, duly consisted of twelve governors or keepers of the said town, and the burgesses and commonalty thereof, and before the surrender hereinafter-mentioned, had been and at the time of such surrender remained incorporated, by the name of the mayor, governors, and burgesses of the town of Beverley, in the county of York, to wit, at Beverley aforesaid; and the said Benjamin further says, that Henry the Fifth, late king of England, &c. by his letters patent, bearing date at Westminster, the eighteenth of February, in the second year of his reign (and which said letters patent sealed with the great seal of England, the said Benjamin now brings here into court), did for himself and his heirs, amongst other things grant to his beloved, the twelve governors or keepers of the said town of Beverley, the burgesses and commonalty of the same town, and their successors, governors, or keepers, burgesses, and commonalty of the town aforesaid, for ever, that the keepers of the peace, and justices assigned or to be assigned, for the hearing and determining of felonies, trespasses, and other misdemeanors, or the justices of labourers, servants, and artificers, in the East Riding of the county of York, should not by any means interfere within the said town of Beverley, or the precinct of the same town, or the liberties thereof, or without, concerning any thing within the same town, the precincts or liberties thereof, done or arising; and that the aforesaid governors or keepers of the same town, and their successors for the time being, or four, three, or two of them, or discreet and sufficient persons of them should for ever have full correction, punishment, power, and authority of taking cognizance, enquiring of, hearing, and determining all manner of things and matters, as well concerning all manner of felonies, trespasses, misprisions, and extortions, as concerning all manner of other causes and complaints whatsoever, within the aforesaid town, and the precincts and liberties thereof, in any manner happening or arising, as fully and entirely as the keepers of the peace, and the justices assigned or to be assigned, for the hearing and determining of the felonies, and trespasses, and other misdemeanors, or the justices of labourers, servants, and artificers, in the East Riding aforesaid, without the town, precincts, and liberties aforesaid,

said, then had, or should thereafter in any manner have, as by the said letters patent, reference being thereunto had, more fully appears; which said letters patent, after the granting thereof, to wit, on the nineteenth of February aforesaid, at the town of Beverley aforesaid, were duly accepted by the then twelve governors or keepers, burgeses, and commonalty of the same town; and the said Benjamin further says, that afterwards, to wit, on the eleventh of March, in the first year of the reign of James Second, late king of England, &c. the then mayor, governors, and burgeses of the town aforesaid, by writing, under the common seal of the town aforesaid, granted to the said late king James, and into his hands, in his court of chancery at Westminster aforesaid, in due manner delivered up and surrendered all and every the power, franchises, liberties, privileges, and authorities whatsoever and howsoever to them granted, and by the before named mayor, governors, and burgeses, or by any select number of them exercised by virtue of any right, title, or interest, in them vested by any letters patent, customs, or prescriptions, in, for, or concerning the electing, nominating, constituting, being, or appointing of any person or persons to or for the several and respective offices and places of mayor, governors, and recorder, common clerk, and capital burgeses, or to any person to a place or office concerning the government of the said town of Beverley, or unto, or for the exercise or execution of the same or any of them; and the before-named mayor, governors, and burgeses of the aforesaid town of Beverley, by the same writing most humbly besought the said late king James to accept their surrender aforesaid, and that he would vouchsafe to regrant to them the aforesaid mayor, governors, and burgeses of his ancient town of B. aforesaid, the nomination and election of the officers aforesaid, as also the liberties and privileges aforesaid, or so many of them, and in such manner, quantity, and quality as the said late king James might judge most conducing to the better government of the same town, and under such restrictions, reservations, and qualifications as it might please him to appoint, as by the said writing of the said inrollment, remaining of record in the court of Chancery of our lord the now king at Westminster aforesaid, reference being thereunto had, more fully appears, which said surrender the said king James afterwards, to wit, on the the same day and year aforesaid, at B. aforesaid, accepted; and the said Benjamin further says, that the said late king James by his letters patent, bearing date at Westminster, on the day and year last-aforesaid (and which said last-mentioned letters patent sealed with the great seal of England, the said Benjamin now brings here into court). reciting, amongst other things, that the mayor, governors, and burgeses of the said borough, had by several different names, had, used, and enjoyed, and then had, used, and enjoyed divers rights, jurisdictions, liberties, franchises, acquittances, and privileges, and many other customs, liberties, immunities, exemptions, and rights, as well by divers charters and letters patent, of divers of the late king James's pro-

(a) To the jurisdiction.

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genitors and ancestors, then late kings and queens of England, as by reason of divers prescriptions and customs had and used in the same town, from time whereof, &c.; and also reciting the surrender hereinbefore-mentioned, the said late king James willing, amongst other things, that for ever thereafter there should be had one certain and undoubted method in the same town, of and for the keeping of the king's peace, there did by his said letters patent, amongst other things for himself, his heirs, and successors, will, ordain, constitute, grant, and declare that the town of B. aforesaid, might and should be and remain thereafter for ever a free town of itself, and that the burgesses and inhabitants of the town aforesaid, thereafter for ever should be one body corporate and politic really and fully, the said late king James, for himself his heirs, and successors, did elect, make, ordain, constitute, and confirm by his said letters patent, and that by the same name they should have perpetual succession: And further the said late king James willed for himself, his heirs, and successors, by his said letters patent granted and confirmed, that thereafter for ever there might and should be in the town aforesaid, one mayor, twelve aldermen in number only, and thirteen capital burgesses of the better and more honest burgesses and inhabitants of the town aforesaid, in manner in his said letters patent specified to be elected and constituted, and after thereby among other things constituting and nominating certain persons in such letters patent respectively named, to the several offices of mayor, aldermen, and recorder, and prescribing their continuance in those respective offices and stations, and directing an oath of office to be taken by the mayor and aldermen of the said town, and by and before whom the same should be administered; and also thereby appointing the times and modes of electing new mayors, aldermen and recorders, in the several cases of death, removal, or expiration of offices, and the qualifications requisite for each of those offices, the said late king James willed, and did for himself, his heirs, and successors, ordain and grant by his said letters patent, that the said town of B. and the circuit, precincts, and jurisdictions thereof, should thereafter be, extend, and reach, and they were thereby authorized and empowered to extend and reach, as well in length and breadth as in circuit and precinct, to such the like and such sort of bounds, marks, and limits to which and such as the aforesaid town of B. and the circuit, precinct and jurisdictions, had from time whereof, &c. or at any other time before the date of his said letters patent, been accustomed to extend and reach; and the said late king James for the better keeping his peace within the town aforesaid, and for the rule and government of his people there being, and others thither resorting, did of his special grace, certain knowledge, and mere motion, grant to the aforesaid mayor, burgesses, and aldermen of the town aforesaid, and their successors, by the said letters patent, that the mayor and recorder of the town aforesaid, for the time being and during the time in which they should severally happen to be in their offices, and also all and singular

gular the aldermen of the town aforesaid, for the time being, during the time in which they should remain in the place or office of an alderman of the said town, might be justices, and every one of them might and should be a justice of him the said late king James, his heir and successors, to keep and preserve, and cause to be kept and preserved the peace of him the said late king James, his heirs and successors, within the town aforesaid, and the circuits, precincts, and limits of the same, and to keep and correct, or cause to be kept and corrected, the statutes concerning artificers and labourers, weights and measures, within the town aforesaid, and in the circuit and precincts thereof, and to do all other things which to justices assigned to preserve and keep the peace, or any of them appertained, or thereafter it should appertain to do; and that the mayor of the town aforesaid for the time being, and the recorder of the said town for the time being, and the aldermen of the said town for the time being, or any three or more of them, of whom the mayor or recorder the said late king James willed to be one, might have full power and authority to enquire after all felons wheresoever taken or to be taken within the town aforesaid, or the liberties and precincts of the same, and also of all manner of felonies, trespasses, misprisons, and other misdemeanors, defaults, and articles whatsoever, within the town aforesaid, and the liberties and precincts thereof, done, moved, and committed, and to be done, moved, and committed, which before the keepers and justices of the peace of any county of his kingdom of England, by the laws and statutes of the same kingdom of England, ought to be or might be enquired of, except nevertheless that the said mayor, recorder, and alderman of the said town for the time being, or their successors, or any of them might not thereafter in any manner proceed to the determination of any treason, murder, or felony touching the loss of life, within the town aforesaid, and the liberties and precincts thereof, without the special mandate and commission of him the said late king James, his heirs, and successors, but nevertheless they might, and were thereby authorized and empowered to enquire of, hear, finish, or determine all and singular other trespasses, offences, misdemeanors, defaults, and articles which to the office of justices of the peace of the town aforesaid, the liberties and precincts thereof, it appertained, to do as fully and absolutely, and in as ample a manner and form as any other justices of the peace of the said late king James, his heirs, or successors, in any county of his kingdom of England, could or might in future be enabled to enquire of, hear, or determine, so that his justices of the peace, or of labourers and artificers in the county of York, should not, nor should any of them thereafter in any manner by any means interfere concerning any felonies, things, causes, matters, defaults, and other articles whatsoever belonging and appertaining to the office of a justice of the peace, or of artificers or labourers within the town of B. or the limits, circuits, or precincts thereof, from whatever cause arising or happening; and the said late king James willed nevertheless

theles that the recorder of the town aforesaid, for the time being, and all and singular the aldermen of the town aforesaid, for the time being, as well then present as future, before they should be admitted to the execution of the office of a justice of the peace within the town aforesaid, should, and each and every of them should take a corporal oath for the true and faithful execution of the office of a justice of the peace within the town aforesaid, and the liberties and privileges thereof, and also the oaths in that behalf by the laws and statutes of this kingdom of England provided and required to be taken by a justice of the peace before the mayor of the town aforesaid for the time being, and that every mayor of the town aforesaid, thereafter to be, before he should be admitted to the execution of the office of a justice of the peace, there should take the corporal oath aforesaid before the last mayor, his predecessor for the time being: wherefore, and for the better administering and taking of all and singular the oaths in his said letters patent before mentioned and appointed to be taken, the said late king James willed, and by his letters patent did for himself, his heirs and successors, grant full power and authority to the mayor of the town aforesaid for the time being, from time to time, for ever, of exhibiting and administering to the recorder and aldermen, and also full power and authority to the last mayor for the time being, of exhibiting and administering to the mayor elect, and of taking such oath as aforesaid, and also the several and respective other oaths by his said letters patent above mentioned and appointed to be taken, according to the true intent and meaning of his said letters patent, without any further or other warrant from him the late king James, his heirs, or successors in that behalf, to be procured and obtained; and further, the said late king James, of his pure special grace, and of his certain knowledge and mere motion, willed, and did for himself, his heirs, and successors, by his said letters patent, grant and confirm to the before-mentioned mayor, aldermen, and burgesses of the town aforesaid, and their successors, all and every the customs, liberties, and privileges, franchises, immunities, acquittances, exemptions, and rights, to them or their predecessors, by any name whatsoever, granted by the charters and letters patent of him the said late king James, or any of his predecessors, and also all and every the same and such like lands, tenements, and hereditaments, customs, liberties, privileges, franchises, immunities, acquittances, exemptions, and rights, which to the men and burgesses of the town of B. aforesaid, or any or either of them, by any name or names whatsoever, or by whatever incorporation or pretext of any incorporation they then had or ought to have by reason of any charters or letters patent by him the said late king James, or any of his progenitors, kings, and queens of that his kingdom of England, in any manner theretofore made, granted, or confirmed, or by any other lawful means, right, custom, usage, prescription, or title, in no wise destroyed, changed, or altered by his letters patent, as by the said last-mentioned letters patent, reference being thereunto had, will more fully appear; which said last-mentioned letters patent, after the granting thereof;

to wit, on the twelfth day of March, in the first year of the reign of the said late king James, at, &c. were duly accepted by the then burgesses and inhabitants of the said town, who by means thereof became, and have ever since continued, and still are a body politic and corporate, in deed, fact, and name, by the name of the mayor, aldermen, and burgesses of the town of B. in the county aforesaid: And the said B. further says, that from the time of the granting of the said letters patent of the said late king Henry, until the time of the surrender hereinbefore mentioned, there were certain officers of the town of B. who by virtue of their several offices, and of the several incorporations aforesaid, were, and acted as justices of the peace within the said town, and the precincts, and liberties thereof, and who from time to time duly held general sessions of the peace in and for the same, and that ever since the granting of the letters patent of the said late king James until and at the time of the preferring the said indictment and from thence hitherto there have been, and still are a mayor, recorder, and aldermen of the town aforesaid, elected, and sworn according to the several ordinations and provisions in the said letters patent expressed, and who for the time being have by virtue thereof been, and acted as justices, assigned to keep the peace within the town, precincts, and liberties aforesaid; and that during all the time last aforesaid, general sessions of the peace have been duly held in the said town of B. four times in every year, before the mayor, recorder, and aldermen of the said town for the time being, three or more of them, of whom the mayor or recorder of the said town hath always been one, for the inquiring, hearing of, and determining all such felonies, trespasses, and other misdemeanors committed within the said town, and the precincts, and liberties thereof, as they were and are by the said letters patent authorized and empowered to enquire of, hear, and determine, and this, &c. wherefore he prays judgment of the said indictment, and that the same may be quashed, &c.

And the said James Templer, esquire, coroner and attorney of our said lord the present king, in the court of our said lord the king, before the king himself, who prosecutes for our said lord the king in this behalf for our said lord the king, saith, that by any thing in the said plea of the said Benjamin above alledged, the said indictment ought not to be quashed, because, protesting that the said plea, and the matters therein contained, are not sufficient in law to quash the said indictment. Nevertheless, for a plea in this behalf, the said coroner and attorney of, &c. for, &c. saith, that true it is such respective letters patent, under the great seal of England, were made by the said late king Henry the Third, and the said late king James the Second, respectively, and were accepted as in the said plea of the said Benjamin is in that behalf alledged, and that such surrender was also made as in the same plea is alledged. But the said coroner and attorney of, &c. for, &c. says, that the said offences in the said indictment spe-

Replication, protesting insufficiency: Says that the offences were committed within the jurisdiction of the quarter sessions, and traverses there being committed within the precincts of B.

(a) To plea to the jurisdiction, in abatement to an indictment.

cified, were, and each of them was committed in the East Riding of the said county of York, within the jurisdiction of the said court of general quarter sessions, and out of the liberties and precincts of the aforesaid town of B. in the said county, to wit, at, &c. in the said indictment mentioned, without this that the said offences in the said indictment specified, or any of them were or was committed within the precincts or liberties of the town of B. aforesaid, as the said Benjamin hath in his said plea in that behalf alledged, and this, &c. wherefore he prays judgment, and that the said Benjamin may be convicted of the premises in the said indictment specified.

Rejoinder, issue
en traverse.

And the said Benjamin as before says, that the said several offences in the said indictment specified were, and each of them was committed within the precincts and liberties of the town of B. aforesaid, as the said Benjamin hath in his said plea in that behalf alledged; and of this he puts himself upon the country, &c. And the said James T. who prosecutes for our said lord the king in this behalf, doth the like, &c. Therefore, &c.

This indictment was presented to the grand jury at the general quarter sessions for the East Riding of the county of York, and afterwards removed into

B. R. when the above pleadings were drawn, and on trial at Lent assizes 1789. verdict for defendant.

Indictment for
an assault, and
presenting a
loaded gun and
threatening to
fire it, whereby
prosecutor was
affrighted.

SURRY, to wit. The jurors for our sovereign lord the king, upon their oath present, that I. C. late of, &c. school-master, on, &c. in the seventeenth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. with force and arms, to wit, with guns, swords, staves and fists, at the parish of W. aforesaid, in the county aforesaid, in and upon one T. H. in the peace of God and our said lord the king, then and there being, did make an assault, and him the said T. H. then and there did beat, wound, and ill treat, so that his life was thereby then and there greatly despaired of; and then and there levelled and pointed at the said T. H. a certain gun, which he the said I. C. then and there held in his hand loaded, to wit, with gunpowder and lead balls; and then and there, with the said gun so levelled and pointed at the said T. H. to shoot the said T. H. and then and there thereby put the said T. H. in danger of his life; and then and there, by means of the premises aforesaid, greatly terrified and affrighted the said T. H. and then and there did, &c. (2d count, common assault only, instead of saying "did beat," &c. whereby, &c. say, "did greatly terrify, &c. and affright.")

MIDDLESEX, to wit. Some time ago, that is to say, on Tuesday next after three weeks of the Holy Trinity, in the twenty-fifth year of the reign of our sovereign lord George the Third, by the grace of God, of, &c. in the court of our said lord the king, before the king himself, at Westminster, in the county of Middlesex, upon the oath of twelve jurors, good and lawful men of the said county of Middlesex, then and there sworn and charged to enquire for our said lord the king, for the body of the same county, it was presented as follows, that is to say, Middlesex, to wit, the jurors for our sovereign lord the king, upon their oath present, that John Jackson, late of, &c. gentleman, and T. P. C. late of, &c. esquire, being persons of wicked minds and malicious dispositions, and not regarding the laws of this kingdom, and having conceived great malice, hatred, and ill-will towards R. L. on the day of , in the twenty-fifth year of the reign of our sovereign lord George the Third, king of, &c. with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and maliciously did make an assault upon the said R. L. then and there being in the peace of God and our said lord the king; and that the said I. I. by the procurement of the said T. P. C. with a certain large walking-stick, which he the said I. I. in his right hand then and there had and held; and also with the fists of him the said I. I. then and there unlawfully, maliciously, and violently did strike and beat him the said R. L. in and upon the head, face, shoulders, and arms of the same R. L. and giving to him the said R. L. then and there, by such striking and beating of him the said R. L. with the walking stick aforesaid, and also with the fists of him the said I. I. divers severe and dangerous blows, strokes, and bruises, in and upon the head, face, shoulders, and arms of him the said R. L. by means whereof the said R. L. was then and there in great danger of losing his life: And the said I. I. and T. P. C. then and there unlawfully and maliciously did other wrongs to the said R. L. in contempt of our said lord the king, and his laws; and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said I. I. and T. P. C. afterwards, that is to say, on, &c. in the twenty-fifth year aforesaid, with force and arms, &c. at, &c. in, &c. did make an assault upon the said R. L. then and there being in the peace of God and our said lord the king, and then and there did beat, wound, and ill treat the said R. L. so that his life was greatly despaired of; and then and there did other wrongs to the said R. L. to the great damage of the said R. L. and against the peace of our said lord the king, his crown and dignity: Wherefore the said sheriff of the said county of Middlesex was commanded that he should not forbear, by reason of any liberty in his bailiwick, but that he should cause them to come to answer to our said lord the king, touching and concerning the premises aforesaid: And now, that is to say, on Tuesday next after , in this same term, before our said lord the king, at Westminster, cometh the said T. P. C. by A. B.

Record of an indictment for an assault with a walking-stick.

Indictment.

2d Count, common assault.

Plea.

*Venire.**Disdatus.**Default.**Distringas.**Nisi prius.*

his attorney, and having heard the said indictment read, he saith that he is not guilty thereof, and thereupon he putteth himself upon the country: And James Templer, esquire, coroner and attorney of our said lord the king, before the king himself, who for our said lord the king in this behalf prosecuteth, doth the like; therefore let a jury thereupon come before our said lord the king, at Westminster, on next after , by whom the truth of the matter will be the better known, and who are not of the kindred of the said T. P. C. to try upon their oath whether the said T. P. C. be guilty of the premises aforesaid, or not; because, as well the said James Templer, esquire, who prosecuteth for our said lord the king in this behalf, as the said T. P. C. have put themselves upon the said jury, the same day is given, as well to the said James Templer, esquire, who prosecuteth for our said lord the king in this behalf, as to the said T. P. C.; at which time, to wit, on next after , before our said lord the king, at Westminster, comes, as well the said James Templer, esquire, who prosecuteth for our said lord the king in this behalf, as the said T. P. C. by his attorney aforesaid: And the sheriff of the said county of Middlesex hath returned the names of twelve jurors, none of whom come to try in form aforesaid: therefore the sheriff of the said county of Middlesex is commanded that he do not forbear, by reason of any liberty in his bailiwick, but that he distrain the bodies of the jurors aforesaid, by all their lands and chattels in his bailiwick, so that neither they nor any one for them do put their hands to the same until he shall have another command from our said lord the king for that purpose; and that he answer to our said lord the king for the issues thereof, so that he may have their bodies before our said lord the king at Westminster, on next after , or before the right trusty and well-beloved of our said lord the king, William earl of Mansfield, chief justice of our said lord the king assigned to hold pleas before the king himself, if he shall come before that time, that is to say, on next after , at Westminster, in the county of Middlesex, in the great hall of pleas there, according to the form of the statute in such case made and provided, to try upon their oath whether the said T. P. C. be guilty of the premises aforesaid, or not, in default of the jurors aforesaid, who came not to try in form aforesaid: therefore let the sheriff of the said county of Middlesex have the bodies of the jurors aforesaid accordingly to try in form aforesaid. The same day is given as well to the said James Templer, esquire, who prosecuteth for our said lord the king in this behalf, as to the said T. P. C.

Distringas juratores, to try an assault.

George the Third, by the grace of, &c. to the sheriff of Middlesex, greeting. We command you that you do not forbear, by reason of any liberty in your bailiwick, but that you distrain the bodies of the several persons named in the pannel annexed to this writ, being the jurors summoned in our court before us, between

us and T. P. C. late of, &c. in, &c. esquire, by all their lands and chattels in your bailiwick, so that they, nor any one for them, do put their hands to the same until you shall have another command from us for that purpose, and that you answer to us for the issues thereof, so that you may have their bodies before us, at Westminster, on, &c. next after , or before our right trusty and well-beloved William earl of Mansfield, our chief justice assigned to hold pleas before us, if he shall come before that time, that is tosay, on Tuesday next, (the end of the term at Westminster,) in your county, in the great hall of pleas thereof, according to the form of the statute in such case made and provided, to try upon their oath whether the said T. P. C. be guilty of certain trespasses, contempts, and assaults, whereof he stands indicted or not, and to bear their judgment concerning more defaults, and have you there then this writ. Witnesses, &c.

The defendant T. P. C. was acquitted; the other defendant J. I. pleaded guilty.

WARWICKSHIRE, to wit. The jurors for our sovereign lord the king, upon their oath present, that R. H. late of, &c. in, &c. on, &c. in the twenty-eighth year of the reign of, &c. by the grace of God, &c. at the parish of, &c. with force and arms in and upon A. C. the wife of J. C. in the peace of God and of our said lord the now king then and there being, did make an assault, and her the said A. C. then and there did beat, bruise, wound, and ill treat, so that her life was greatly despaired of, with an intent her the said A. C. against her will, then and there feloniously to ravish and carnally know, and other wrongs to the said A. C. then and there did, to the great damage of the said A. C. and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said R. H. afterwards, on, &c. with force and arms upon the said A. C. in the peace of God, and of our said lord the king, then and there being, did make another assault, and then and there did again beat, bruise, wound, and ill treat her the said A. C. so that her life was thereby greatly despaired of; and other wrongs to the said A. C. then and there did, to the great damage of the said A. C. and against the peace of our said lord the king, his crown and dignity.

Indictment for an assault, and attempt to commit a rape.

ad count for a common assault.

V. LAWES.

CHEAT, FRAUD, FALSE PRETENCES.

MIDDLESEX, to wit. The jurors for our sovereign lord the king, upon their oath present, that Richard Rothery, of, &c. gainst an attorney who the prosecutor had employed to prepare a letter of attorney to empower one A. B. to receive the prosecutor's rents for preparing a letter of attorney, empowering himself jointly and severally with A. B. to sell and dispose of the plaintiff's estates.

on,

on, &c. in the second year of the reign of, &c. and long before, was seised in his demesne as of fee, of and in certain messuages, lands and tenements, called, &c. with their appurtenances, situate and being in the parish of, &c. And that the said R. R. being about to empower I. I. of, &c. to receive the rents then due, and thereafter for a certain time then next following to accrue due to the said R. R. from his tenants, who were then in possession of and occupied the estate aforesaid, and for that purpose to bring actions, if necessary, against any one or more of such tenants who should refuse payment, and make distresses (if necessary) for any arrears of rent that were then due, or that might thereafter during such intended time become due, and to do such other legal acts as should be necessary to be done: He the said R. R. did by the advice of the said I. I. on, &c. apply to J. B. of, &c. gentleman, one of the attorneys of the court of our sovereign lord the now king, before the king himself (the said court being on, &c. and from thence until, and on the day of the taking of this inquisition, held at Westminster, in the county of Middlesex), to prepare and duly make a letter of attorney, or proper authority in writing from him the said R. R. to the said I. I. to act as his attorney on the occasion aforesaid, and according to the aforesaid intention of the said R. R. for him the said R. R. to execute to the use of the said I. I. as such his attorney, and did then and there request him so to do, and give him proper instructions according to his aforesaid intention; and that the said J. B. being, &c. a person of evil name and fame, and dishonest conversation, and devising and intending to deceive and defraud the said R. R. of his aforesaid estate, on, &c. did then and there pretend to the said R. R. that he the said J. B. was then busy, and could not conveniently prepare such letter of attorney, deed, poll, or instrument, and under colour of that pretence, and with intent aforesaid, did falsely, fraudulently, and deceitfully, advise the said R. R. to seal and sign a piece of paper stamped with the usual stamp for letters of attorney, without any writing thereon; and though the said paper was blank, to deliver the same as if it had been a letter of attorney, as his the said R. R.'s act and deed, for the purposes before mentioned; and the said J. B. with intent aforesaid, did then and there falsely, fraudulently, and deceitfully, inform the said R. R. that the signing, sealing, and delivery of such blank paper stamped with such stamp as aforesaid, would do as well as if the said R. R. was to execute a letter of attorney in due form, according to his the said R. R.'s intentions; and that he the said J. B. would afterwards prepare a letter of attorney, and ingross or write, or cause to be ingrossed or wrote, on the said paper the same agreeable in every respect to the intention of the said R. R. before mentioned: And that the said J. B. did then and there, with the fraudulent intention aforesaid, falsely, fraudulently, and deceitfully advise, persuade, procure, and induce the said R. R. to sign, seal, and deliver such blank paper so stamped as aforesaid: And the said R. R. did then and there, on, &c. at, &c. in, &c. by such persuasion and advice

advice of the said J. B. given in manner aforesaid, sign, seal, and deliver the said blank paper, so stamped as aforesaid, as his act and deed, and did then and there, by the desire of the said R. R. leave the said piece of paper so stamped, signed, sealed, and delivered to the said J. B. that he might ingross or write thereon, or cause to be ingrossed or wrote thereon, such letter of attorney from the said R. R. to the said I. I. for the purpose aforesaid, agreeable to the said intention of the said R. R. and not for any other purpose whatsoever; and the said J. B. intending as aforesaid, then and there promised to ingross or write, or cause to be ingrossed or wrote, such letter of attorney on the said paper, according to the true intention of the said R. R. and the instructions given him for that purpose by the said R. R. And the said R. R. then and there paid to the said J. B. by his desire, nine shillings and two-pence for making such letter of attorney and for the stamp, and that the said J. B. contriving and wickedly intending to deceive and defraud the said R. R. in manner aforesaid, did afterwards, that is to say, on, &c. at, &c. unlawfully, knowingly, falsely, and designedly, forge, write, and make, and caused to be forged, written, and made, on the said paper so signed, sealed and delivered by the said R. R. on the same side where the said R. R. had subscribed his name and set his seal, without the knowledge, leave, license, or consent of the said R. R. a certain instrument or writing, purporting to be a letter of attorney from the said R. R. to the said J. B. and I. I. empowering them, or either of them, jointly or severally, to sell the said estate of the said R. R. at S. aforesaid, with the appurtenances, and in the mean time to receive the rents, issues, and profits thereof, and the arrears then due, and to bring actions, and to make distresses, and to do such other acts as the said R. R. could, for the recovery of such rent and any arrears of rent then due, or to grow due during the time the estate should remain unsold; which false instrument, or writing, did bear date sometime in or about the month of July aforesaid, in the year aforesaid.—(2d Count, saying that J. B. “published the same as “a true letter of attorney, knowing the same to be false.”)—

And the jurors aforesaid, upon their oath aforesaid, further presented, that the said J. B. did, without the leave, license, or consent of the said R. R. and against his will, afterwards, to wit, on, &c. at, &c. on, &c. in, &c. falsely, fraudulently, unlawfully, and wickedly, shew and present such false, feigned, and counterfeited instrument or writing to A. B. as and for a true letter of attorney, and a true power from the said R. R. and did then and there inform the said A. B. that he the said J. B. had thereby a legal power vested in him to sell the aforesaid estate, and did then and there, on, &c. at, &c. treat with the said A. B. to sell to him such estate; and did then and there, under colour and pretence of such false, feigned, and counterfeited instrument or writing, agree to sell the said estate to the said A. B. for the sum of sixty pounds; and, under the pretence aforesaid, did falsely, fraudulently,

3d Count, representing to be a true power to sell, and obtaining one guinea earnest.

4th count,
shewing, &c.
and obtaining
rent.

fraudulently, and deceitfully, obtain from the said A. B. the sum of one guinea, by way of earnest for the sale and purchase of the said estate, and in part of payment of the price to be by the said A. B. paid for the same, to the great and manifest injury of the said A. B. to the evil example of all others in the like case offending, and against the peace of our said sovereign lord the now king, his crown and dignity, &c: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said J. B. did, without the leave, &c. of the said R. R. and against his will, afterwards, to wit, on, &c. falsely, &c. shew, &c. such false, &c. instrument or writing to the said A. B. he the said A. B. then being one of the tenants of the said R. R. for a part of the premises in the parish of S. aforesaid, and from whom there was then due and owing to the said R. R. the sum of pounds, for arrears of rent for the said premises which he held under the said R. R. as his tenant there, as and for a true letter of attorney from the said R. R. to the said J. B. and the said I. I. as aforesaid; and did then and there tell the said A. B. such instrument or writing was the deed of the said R. R. and made by him to the said J. B. and I. I. for the purposes therein-mentioned; and the said J. B. did then and there, that is to say, at, &c. in, &c. under colour and pretence of the said instrument or writing, falsely, &c. demand payment of such arrears of rent, and under and by virtue thereof did obtain and receive of and from the said A. B. the sum of pounds, and gave a receipt for the same, as the attorney of the said R. R. with intent to defraud the said A. B. to the great damage and injury of the said A. B. in evil example of all others in the like case offending, and against the peace of, &c: And the jurors aforesaid, upon, &c. do further present, that the aforesaid J. B. being a person of ill name and fame, and dishonest conversation, on, &c. with force and arms, &c. at, &c. unlawfully, knowingly, and designedly, did falsely pretend to the said A. B. (then one of the tenants of the said R. R. occupying certain premises of the said R. R. at, &c. as tenant to him the said R. R. under a certain yearly rent of pounds, payable quarterly by the said A. B. to the said R. R. for the same, and from whom there was then an arrear of rent due and owing), that he the said J. B. had a letter of attorney from the said R. R. empowering him the said J. B. to receive the rent of the said R. R.'s estate, at, &c. the arrears then due from the said A. B. and other tenants of the said R. R. and did then and there produce and shew to the said A. B. a certain false, forged, and counterfeited instrument or writing, purporting to be such letter of attorney as is last mentioned, which was signed at the bottom with the hand writing of the said R. R. and sealed with his seal; but which power therein expressed to be given by the said R. R. to the said J. B. had been wrote and inserted after the said R. R. had signed and sealed such paper, without the leave, license, or knowledge of the said J. B. and that by the aforesaid false pretences, the said J. B. did then and there, to wit, at, &c. unlawfully, &c. obtain from the said A. B. the sum of

pounds

5th count, pre-
sents an in-
strument which
had been exe-
cuted in blank.

pounds of lawful money, as and for arrears of rent due from the said A. B. to the said R. R. with intent then and there to cheat and defraud him the said A. B. of the same; whereas, in truth and in fact, the said R. R. did not ever execute or give to the said J. B. any such authority as aforesaid, or any authority whatsoever, to receive the aforesaid arrears of rent, or any part thereof, from the said A. B. to the great damage and deception of the said A. B. the evil example, &c. And the jurors aforesaid, on their oath aforesaid, do further present, that the said J. B. on, &c. unlawfully, &c. did obtain from the said A. B. the sum of one guinea, by falsely, &c. pretending that he had a legal power and authority from the said R. R. to sell certain messuages, lands, and premises, with the appurtenance, situate at, &c. whereof the said R. R. was then seised in fee, and that he would sell the same to the said A. B. for the sum of sixty pounds, and that such sum of one guinea should bind the bargain for the sale of such premises, and be accepted in part of payment of the purchase money; whereas the said J. B. had not, at the time he obtained such sum of one guinea from the said A. B. under the pretence aforesaid, or at any other time, any power or authority whatsoever, from, by, or under the said R. R. to sell the said last-mentioned premises, or any part thereof, or any right, power, or authority, to make such contract with the said A. B. for the sale thereof, or to accept or take such sum of one guinea, or any part thereof, on the pretence aforesaid, to the great and manifest damage and deception of the said A. B. and evil example, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that on, &c. in the second year aforesaid, at, &c. in, &c. the said A. B. was indebted to the said R. R. in the sum of pounds, for certain arrears of rent for certain premises, the said A. B. then and there held of the said R. R. at, &c. as tenant to the said R. R. and that being so indebted, the aforesaid J. B. being a person of ill name, fame, and dishonest conversation, on, &c. at, &c. did unlawfully, &c. obtain from the said A. B. the sum of pounds, as and for payment of such arrears of rent, by falsely, &c. pretending he had a legal power and authority from the said R. R. to receive such arrears of rent, and to give a proper and absolute receipt or discharge for the same, with intent to deceive, cheat, and defraud the said A. B.; whereas the said J. B. had not then, or at any other time, any power or authority, by, from, or under the said R. R. in any manner whatsoever to receive such arrears of rent, or any part thereof, in any manner whatsoever, or give any receipt or discharge for the same, or any part thereof, in any manner whatsoever, to the manifest damage and deception of the said A. B. in evil example of all others in the like case offending, and against the peace of our lord the now king, his crown and dignity, &c.

6th count, pre-
tending to have
a power, and
obtaining one
guinea.

7th, to receive
rent.

J. MORGAN.

MIDDLESEX,

Indictment against defendant for obtaining goods, pretending they were for one A. B. when in fact they were not.

MIDDLESEX, ss. The jurors for our lord the king upon their oath present, that W. H. late of, &c. in, &c. being a person of an evil disposition, ill name and fame, and of dishonest conversation, and devising and intending by unlawful ways and means to obtain and get into his hands and possession, the goods, wares, and merchandizes of the honest liege people and subjects of our said lord the king, to maintain his idle course of living, on, &c. in, &c. with force and arms, at, &c. in, &c. unlawfully, knowingly, and designedly, did obtain from one J. D. twelve mahogany chairs, of the value of, &c. of the goods and chattels of the said J. D. falsely pretending that the chairs were to be delivered to one Mr. F. (meaning one B. F. of, &c.), with intent to cheat and defraud the said J. D. of the said goods and chattels, when in truth and in fact the said goods and chattels were not delivered to the said B. F. to the great damage of the said J. D. to the evil example of all others, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

Indictment against the defendant for obtaining a horse under false pretences.

LONDON. The jurors for our lord the king upon their oath present, that W. P. late of, &c. being a person of evil name and fame, and of dishonest conversation, and devising and intending fraudulently to deceive and defraud one J. S. of his goods and chattels, on, &c. at, &c. with force and arms, at London, that is to say, at the parish of , in the ward of , in London aforesaid, fraudulently and deceitfully did receive, obtain, and get into his hands and possession, of and from the said J. S. one gelding, of a roan colour, of the price of eight pounds, by false colours and pretences, that is to say, under colour and pretence that he the said W. P. had a friend in the city in the turnery branch of business who wanted to purchase a gelding fit to turn a great wheel upon a new construction, and that he the said W. P. would sell the said gelding to him for him the said J. S. and give him the said J. S. the money; whereas in truth and in fact, the said W. P. had not a friend in the city or elsewhere, in the turnery branch of business who wanted to purchase such gelding as the said W. P. pretended, and whereas in truth and in fact the said W. P. did not sell the said gelding to such pretended friend, nor bath the said W. P. given to the said J. S. any money whatsoever for the same, nor returned the said gelding to the said J. S.; and so the said W. P. did then and there fraudulently and deceitfully deceive and defraud the said J. S. of his gelding aforesaid, to the great damage of the said J. S. and against the peace of our said lord the king, his crown and dignity, &c.

Indictment for obtaining a note of hand under false pretences of the servant of the prosecutor, which defendant had given for rent due to the prosecutor, and tearing the note.

LONDON. The jurors for our lord the king upon their oath present, that I. H. late of, &c. being a person of ill name and fame, and of dishonest conversation, on, &c. in the year of the reign, of the prosecutor, which defendant had given for rent due to the prosecutor, and tearing the note.

&c.

&c. at London aforesaid, to wit, in the parish of, &c. in the ward of, &c. falsely, fraudulently, and deceitfully, and by false acts, colours, and pretences, did obtain, acquire, and get into his hands, of and from one I. F. then being the servant of one I. N. a certain note and writing signed with the proper hand writing of him the said I. H. bearing date, &c. by which said note and writing the said I. H. promised the said I. N. to pay what rent was due to him for the ground I. H. owed him for, to wit, under colour and pretence that he the said I. H. would inspect the said note, and would then and there immediately re-deliver the same note to him the said I. F. and that he the said I. H. afterwards, to wit, on, &c. at, &c. in, &c. fraudulently and unlawfully did cancel, destroy, and tear the said note (the said rent which the said I. H. ought to have paid to the said I. N. in pursuance of the said note and writing, every part thereof being then unpaid), with an intent to deceive and defraud the said I. N. of the money due and payable to him by virtue of the said note, to the great damage of the said I. N. and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said I. H. being a person of ill name, and fame, and of dishonest conversation, afterwards, to wit, on, &c. in, &c. falsely, fraudulently and unlawfully, did cancel, tear and destroy, a certain note and writing belonging to one I. N. bearing date and signed with the proper hand writing of him the said I. H. by which said note and writing he the said I. H. promised the said I. N. to pay what rent was due to him for the ground I. H. owed him for, there being then and there due and owing from the said I. H. to the said I. N. for the rent of the ground mentioned in the said note, the sum of pounds, with intent to deceive and defraud the said I. N. of the money which he the said I. H. ought to have paid him in pursuance of the said note and writing, to the great, &c. and against the peace, &c.

ad Count, for unlawfully destroying a note given for rent.

CONSPIRACY.

THE KING } WILTSHIRE, ff. The jurors for our lord indictment for
against } the king, upon their oath present, that W. M. a conspiracy,
COBB & OTHERS. } Cobb, late of, &c. and G. Bluett, late of, and for giving
&c. being persons of evil fame and dishonest conversation, and out that one
wickedly devising and intending to disturb the peace of mind of A. B. single-
Ann Bennett, of, &c. the said A. B. being at the time of the woman, had
grievance herein-after set forth, an infant under the age of Cobb, and that
twenty-one years, and then and still being a single woman, and he had had carnal knowledge
to induce the mother, and other relations of the said A. B. of her body, in
consent to her marrying the said W. M. C. for fear of the in- order to induce
jury and disgrace which the said W. M. C. and G. B. devised her to consent to
to bring on the said A. B. on the twentieth day of July, in the marry him.
nineteenth year, &c. at, &c. falsely, unlawfully, wickedly, and
maliciously, conspired, and agreed, and confederated, between them-
selves,

selves, to give out and publish of and concerning the said A. B. that the said A. B. had lain with the said W. M. C. and that he the said W. M. C. had had carnal knowledge of the body of the said A. B. and had gotten her with child; and the said W. M. C. and G. B. in furtherance and execution of their conspiracy, agreement and confederacy, afterwards, to wit, on the said twentieth day of July, in the year aforesaid, at, &c. falsely and maliciously, in the hearing of divers of his majesty's liege subjects, did severally give out and publish of and concerning the said A. B. that she the said A. B. had lain with the said W. M. C. and that the said W. M. C. had had carnal knowledge of the body of the said A. B. and had gotten her with child, to the great loss, infamy, and disquietude of her the said A. B. to the evil example of all others, and against the peace of our lord the king, his crown and dignity. (2d count same as 1st, except, instead of *Italic*, say, "to oppress, injure and defame her, and to prevent her from ever enjoying the comforts and advantages of a married state." 3d count same as 1st, except, instead of *Italic*, say, "to injure the character of the said A. B. and to put her to great trouble and anxiety of mind, and to cause her to be shunned and avoided by all persons of credit and reputation, and to render her infamous in society.")

PLEAS before our lord the King, at Westminster, of Hilary Term, in the twentieth year of the reign of our sovereign lord George the Third, by the grace of God, of Great Britain, &c.

ROLL.

Amongst the pleas of the King.

Record of
Indictment for
a conspiracy to
cheat A. B. out
of a sum of money,
by falsely
pretending to
secure to him
an annuity.

Indictment.

MIDDLESEX, *ff.* Some time ago, that is to say, on Monday next, after fifteen days of Saint Martin, in the twentieth year of the reign of our sovereign lord George the Third, by the grace of God, &c. in the court of our said lord the king, before the king himself, at Westminster, in the county of Middlesex, upon the oath of twelve jurors, good and lawful men of the county of Middlesex, then and there sworn and charged to enquire for our said lord the king, for the body of the same county, it was presented as followeth, that is to say, Middlesex, to wit, the jurors for our lord the king, upon their oath present, that William S. W. late of the parish of Saint James, in the liberty of Westminster, in the county of Middlesex, esquire; Sir W. D. late of the parish of Saint Ann, in the said liberty of Westminster, and county aforesaid, knight; William A. late of the parish of Saint Andrew, Holborn, in the said county of Middlesex, gentleman; and Charles B. late of Gray's Inn, in the said county, gentleman;—wickedly and unjustly devising and intending to defraud one Henry S. esquire, of his money, on the twelfth day of February, in the seventeenth year of the reign of our sovereign lord George the Third, now king of Great Britain, at Westminster, in the county of Middlesex aforesaid, wickedly, falsely, fraudulently, and unlawfully, did conspire, combine, and agree among themselves to cheat and defraud the said H. S. of a large sum of money,

money, under a false and deceitful colour and pretence of the said W. S. W.'s securing to be paid unto the said H. S. his executors, administrators, and assigns, a certain annuity to be payable during the natural life of the said W. S. W. in consideration of the said sum of money, and that the said Sir W. D. in pursuance of, and according to the conspiracy, combination, and agreement as aforesaid, had and made between him the said W. S. W. Sir W. D. I. A. and C. B. afterwards, to wit, on the twelfth day of February, in the seventeenth year aforesaid, at Westminster aforesaid, in the county of Middlesex, wickedly, falsely, fraudulently, unlawfully, and deceitfully did pretend and represent that the said W. S. W. then was in the present possession of one thousand pounds *per annum*, consisting in certain estates and lands called Lee Aston and Brockland, in the county of S. and that there then was on the said estate timber worth five thousand pounds; and that the said W. S. W. at the death of his mother, was intitled to the following estates in the county of S. that is to say, Winkfield, Sludbrook, Eversham, Ellisham, and Tamworth, seven hundred pounds *per annum*, with (a) timber thereon to the value of five thousand pounds; and that the said W. S. W. would be at the death of his grandfather, aged ninety-five years, intitled to a capital estate called Estworth, two thousand seven hundred pounds *per annum*; and that the said W. S. W. was then heir to two hundred thousand pounds and upward, expectant on the death of his aunt; and that the said H. S. might have a recital of those expences and charges on any of them for securing the said annuity, if the said H. S. should think proper; but that the said W. S. W. would not incur his then present estate, except by bond and judgment: and that in pursuance of, and according to the said wicked conspiracy, combination, and agreement, the said Sir W. D. did then and there fraudulently and deceitfully refer the said H. S. for every information relative to the premises to the said W. A. as the said W. S. W.'s solicitor; and the said W. A. according to the conspiracy, combination and agreement, so as aforesaid had and made between the aforesaid W. S. W. Sir W. D. and C. B. afterwards, to wit, on the same day and year last aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, falsely, fraudulently, unlawfully, and deceitfully did pretend and represent to the said H. S. that the said W. A. was the said W. S. W.'s steward, and that the said W. A. supposed that he should have orders to pay the said annuity; and the said W. S. W. and his mother were to come to London on a certain day then to come and now past from their the said W. S. W.'s and his mother's seat, at W. Abbey, in the county of S. and that the said W. S. W. in pursuance of and according to the said wicked conspiracy, combination, and agreement, so as aforesaid had and made between him and the said W. D. W. A. and C. B. afterwards, to wit, on the twenty-second day of February; in the seventeenth year aforesaid, at W. aforesaid, in the said county of Middlesex, did falsely, fraudulently, and unlawfully pretend and represent to the said H. S. in

1st. Fraud.

(a) From here
to the letter (c)
is omitted in the
2d. Count.

(c) *Vide (a)*
ante.

the presence and hearing, and with the assent of the said Sir W.D. W. A. and C.B. *that his the said W. S. W.'s estate, in the county of S. was not one thousand pounds a-year, but that it brought him the said W. S. W. between six and seven hundred pounds a-year.* And the said W. A. in pursuance of and according to the said wicked conspiracy, combination, and agreement, so as aforesaid had and made between him the said W. S. W. Sir W.D. and C.B. afterwards, to wit, on the said twenty-second day of February, in the seventeenth year aforesaid, at Westminster aforesaid, in the county aforesaid, did falsely, fraudulently, and unlawfully pretend and represent to the said H. S. in the presence and hearing, and with the assent of the said W. S. W. Sir W. D. and C. B. *that all the judgments which had been theretofore entered up in the court of our sovereign lord the king, before the king himself, against the said W. S. W. were satisfied and discharged;* (c) and that the said W. S. W. in pursuance of, and according to the conspiracy, combination, and agreement aforesaid, between him and the said Sir W. D. W. A. and C. B. so as aforesaid, had afterwards, to wit, on the said twenty-second day of February, in the seventeenth year aforesaid, at Westminster aforesaid, in the county of Middlesex aforesaid, in the presence and with the assent of the said Sir W. D. W. A. and C. B. did falsely, fraudulently, and deceitfully, sign, seal, and execute a certain bond to the said H. S. in the penal sum of three thousand pounds of lawful money of Great Britain, conditioned for the payment of by the said W. S. W. his heirs, executors, and administrators, unto the said H. S. his executors, administrators or assigns, of an annuity of two hundred and fifty pounds, by two equal half-yearly payments, on the said several days and times following, that is to say, on the twenty-second day of August, and the twenty-second day of February, from thenceforth in every year during the life of the said W. S. W. at or in the common dining-hall in Lincoln's-inn, in the said county of Middlesex, and also a proportionable part of the last half-yearly payment of the said annuity, up to the day of the decease of the said W. S. W. without making any deduction, defalcation, or abatement whatsoever; and also a certain warrant of attorney, authorizing any attorney of the court of common pleas, at Westminster, to confess judgment in the same court against the said W. S. W. on the said bond; and also a certain indenture, bearing date the said twenty-second day of February, in the seventeenth year aforesaid, purporting to be made between the said W. S. W. of Saint James's Place, in the liberty of Westminster, and county of Middlesex, esquire, eldest son of W. W. formerly of W. in the county of Salop, gentleman, by S. his wife, then his widow, and which said S. was the grand-daughter of T. S. late of Great Y. in the county of N. merchant, of the one part; and the said S. H. of the other part; reciting that the said W. S. W. on the death of his mother, would become seised of, interested in, or intitled unto divers estates, both freehold and leasehold, of a very considerable annual value, by virtue of, and under

under a certain indenture of release and assignment of four parts, made previous to the marriage of the said W. W. and S. his wife, bearing date the twenty-second day of May, in the year of Our Lord 1752, and made, or mentioned to be made between the said S. of the first part, W. M. and I. E. therein particularly described of the second part, and the said W. W. of the third part, and the said S. of the fourth part; and reciting the said S. H. having purchased the said annuity for the sum of one thousand five hundred pounds, and also reciting the said bond and warrant of attorney, and also reciting that the said W. S. W. for the better securing the payment of the said annuity, had agreed that in case he survived his said mother, he the said W. S. W. within the space of three months next after her decease, by proper and valid deeds and instruments in the law, charge and make chargeable the said real estates, which he should come into possession of by virtue of and under the therein-before recited indenture of settlement, with the payment of the said annuity; it was by the said indenture bearing date the said twenty-second day of February, in the seventeenth year aforesaid, witnessed, that he the said W. S. W. for himself, his heirs, executors and administrators, did covenant and grant to and with the said S. H. his heirs, executors, administrators and assigns, that he the said W. S. W. in case he should survive and outlive his said mother, should and would, within six months after her decease, at the costs and charges of him the said W. S. W. by such good and sufficient conveyances and assurances in the law as the counsel of the said H. S. should advise or direct, well and sufficiently charge and make chargeable all and singular the messuages, lands, tenements, meadows, pastures and hereditaments whatsoever, formerly of the said T. S. in W. S. S. E. and T. in the county of S. or some or one of them, of the clear yearly value of three hundred pounds, or upwards, to which the said W. S. W. was intitled after the decease of his mother as aforesaid, with the payment of the said annuity, and all arrears of the same, which might then *happen to be due*. And that the said W. S. W. in pursuance of and according to the said conspiracy, combination, and agreement afterwards had between him the said Sir W. D. W. A. and C. B. then and there, to wit, on the said twenty-second day of February, in the seventeenth year aforesaid, at Westminster aforesaid, in the county of Middlesex aforesaid, by the false pretences aforesaid, and by the execution of the said bond, warrant of attorney, and indenture, did wickedly, fraudulently, and unlawfully obtain, acquire, and get into the hands and possession of the said W. S. W. the sum of one thousand five hundred pounds of lawful money of Great Britain, of and from the said S. H. and did thereby cheat and defraud the said H. S. of the sum of one thousand five hundred pounds; *whereas, in truth and in fact*, the said W. S. W. was not in possession of one thousand pounds *per annum*, consisting of estates and lands called L. and B. in the county of S. or any other estates or lands in the county of S. as were falsely pretended and represented as aforesaid; and the said W. S. W. Sir W. D.

1 Negating
the fact repre-
sented.

- W. A. and C. B. at the time of the making such false pretence and representation well knew the same, to wit, at W. aforesaid, in the said county of Middlesex aforesaid: and whereas, in truth
- 2 Neg. and in fact, the said W. S. W. was not, nor would be at the death of his said mother, intitled to the estates in the said county of S. called W. &c. worth seven hundred and fifty pounds *per annum*, with timber thereon of the value of five thousand pounds, or of any of those estates, as was falsely pretended and represented as aforesaid; and the said W. S. W. Sir W. D. W. A. and C. B. at the time of making such false pretence and representation well knew the same, to wit, at Westminster, in the said
 - 3 Neg. county of Middlesex: and whereas, in truth and in fact, the said W. S. W. would not be at the death of his said grandmother entitled to the said estate called O. worth two thousand seven hundred pounds *per annum*, or to any other estate or lands whatsoever, as was falsely pretended and represented as aforesaid; and the said W. S. W. Sir W. D. W. A. and C. B. at the time of making such false pretence and representation, well knew the same, to wit, at Westminster aforesaid, in the said county of
 - 4 Neg. Middlesex: and whereas, in truth and in fact, the said W. S. W. had not any grandmother living at the time of making the said several false pretences, or any of them; and the said W. S. W. Sir W. D. W. A. and C. B. at the time of making thereof, well knew the same, to wit, at Westminster aforesaid, in the said
 - 5 Neg. county of Middlesex: and whereas, in truth and in fact, the said W. S. W. was not heir to two hundred thousand pounds and upwards, or to any other sum of money, estate, or effects whatsoever, expectant on the death of any aunt of him the said W. S. W. as was falsely pretended and represented as aforesaid; and the said W. S. W. Sir W. D. W. A. and C. B. at the time of making such false pretence and representation, as last aforesaid, well knew the same, to wit, at Westminster aforesaid, in the said county of
 - 6 Neg. Middlesex: and whereas, in truth and in fact, the said W. A. was not then, or at any time whatsoever the said W. S. W.'s steward, as was falsely pretended and represented as aforesaid; and the said W. S. W. Sir W. D. W. A. and C. B. at the time of making such false pretence and representation as last aforesaid, well knew the same, to wit, at Westminster aforesaid, in the
 - 7 Neg. county of Middlesex aforesaid: and whereas, in truth and in fact, the said W. S. W. had no estate in the county of S. which brought him in between six and seven hundred pounds a-year, as was falsely pretended and represented; and the said W. S. W. Sir W. D. W. A. and C. B. at the time of making such false pretences and representations, well knew the same, to wit, at
 - 8 Neg. Westminster, in the county of Middlesex aforesaid: and whereas, in truth, none of the judgments which had been theretofore entered up in the said court of our said lord the king, before the king himself, against the said W. S. W. were then satisfied or discharged, as were so falsely pretended and represented; and the said W. S. W. Sir W. D. W. A. and C. B. at the time of making

ing

ing such false pretence and representation well knew the same, and all the judgments are now unsatisfied, to wit, at Westminster aforesaid, in the county of Middlesex aforesaid; and so the jurors aforesaid, upon their oath aforesaid, do say, that the said W. S. W., Sir W. D. W. A. and C. B. according to the conspiracy, combination, and agreement between them had and made as aforesaid, the aforesaid H. S. of the sum of one thousand five hundred pounds, in manner and form aforesaid, wickedly, fraudulently, and unlawfully did deceive and defraud, to the great damage of the said H. S. and against the peace of our said lord the king, his crown and dignity. And the said jurors aforesaid, upon their oath aforesaid, do further present, that the said W. S. W. late of the said parish of Saint James, in the said liberty of Westminster, in the said county of Middlesex, esquire; Sir W. D. late of the parish of Saint Ann, in the said liberty of Westminster, in the said county of Middlesex, knight; W. A. late of the parish of Saint Andrew, Holborn, in the county of Middlesex, gentleman; and C. B. late of Gray's Inn, in the said county, gentleman, wickedly and unjustly devising and intending to cheat and defraud the said H. S. of his money, on the twelfth day of February, in the seventeenth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. at Westminster, in the county of Middlesex aforesaid, wickedly, falsely, fraudulently, and unlawfully did conspire, combine, and agree together among themselves, to obtain, acquire, and get into their hands and possession, of and from the said H. S. a large sum of money, under a false colour and pretence of the said W. S. W.'s securing to the said H. S. a certain annuity, payable by the said W. S. W. to the said H. S. during the natural life of the said W. S. W. Sir W. D. W. A. and C. B. in pursuance of and according to the said last-mentioned conspiracy, combination, and agreement aforesaid, between them as aforesaid, had and made afterwards, to wit, on the twenty-second day of February, in the seventeenth year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, did falsely, fraudulently, and deceitfully pretend to the said H. S. that the said W. S. W. then was in present possession of a large estate in the county of S. And that he the said W. S. W. would be, at the death of his the said W. S. W.'s grandmother, intitled to certain other large estates in the county of S. And the said W. S. W. Sir W. D. W. A. and C. B. in pursuance of, and according to the conspiracy, combination, and agreement between them the said W. S. W. Sir W. D. W. A. and C. B. had, as last aforesaid, afterwards, to wit, on the said twenty-second day of February, in the seventeenth year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, and the false pretences aforesaid, and also by colour of a certain bond executed by the said W. S. W. to the said H. S. in the penal sum of three thousand pounds of lawful, &c. conditioned for the payment by the said W. S. W. his heirs, executors or administrators, unto the said H. S. his executors, administrators or assigns, of an annuity of two hundred and fifty

ad count, for fraudulently getting into his (defendant's) hands a large sum of money under pretence of his having several estates, and under colour of a bond, &c.

pounds, by two equal half yearly payments, on the twenty-second day of August, and the twenty-second day of February, from thenceforth, in every year during the life of the said W. S. W. at or in the common dining hall of Lincoln's Inn, in the said county of Middlesex, and also a proportionable part of the last half-yearly payment of the said annuity, up to the day of the decease of the said W. S. W. without making any deduction, defalcation, or abatement whatsoever, and also a certain warrant of attorney to confess judgment in his majesty's court of common pleas at Westminster, against the said W. S. W. on the said bond, and also by colour and pretence of a certain indenture, whereby the said W. S. W. covenants with the said H. S. to charge certain estates in the county of S. after the decease of his mother, with the payment of the said annuity, fraudulently and unlawfully did obtain, acquire, and get into the hands and possession of the said W. S. W. the sum of one thousand five hundred pounds, of lawful money, &c. of and from the said H. S. and did thereby then and there defraud the said H. S. of the said last-mentioned money; whereas in truth and fact, the said W. S. W. was not then in possession of any estate in the county of S. nor would at the death of his the said W. S. W.'s mother, be entitled to any estates in the county of S. as was falsely pretended as aforesaid; and the said W. S. W. Sir W. D. W. A. and C. B. then and there well knowing the same: And so the jurors aforesaid, upon their oath aforesaid, do say that the said W. S. W. Sir W. D. W. A. and C. B. according to the conspiracy, combination, and agreement between them as aforesaid, before had him the said H. S. of the said sum of one thousand five hundred pounds, in manner and form aforesaid, fraudulently and unlawfully did deceive and defraud, to the great damage of the said H. S. and against the peace of our said lord the king, his crown and dignity, &c.

G. Wood.

This indenture made the twenty-second day of February, in the seventeenth year of the reign of our sovereign lord George the Third, and in the year of Our Lord 1777, between W. S. W. of St. James's-place, in the liberty of Westminster, and county of Middlesex, esquire, eldest son of W. W. formerly of W. in the county of S. gentleman, deceased, by Susannah his wife, now his widow, and which said S. was grand-daughter of T. S. late of Great Y. in the county of N. merchant, of the one part, and H. S. of C. in the county of M. esquire, of the other part, whereas the said W. S. W. on the death of his mother, will become seised of and interested in, or entitled unto divers estates, both freehold and leasehold of a very considerable amount, by virtue of and under a certain indenture of release and assignment of four parts, made previous to the marriage of the said W. W. and Susan his wife, bearing date the twenty-second of May, A. D. 1752, and made and mentioned to be made between the said I. S. of the first part,
* W. M.

W. M. and I. E. therein partly described, of the second part, the said W. W. of the third part, and the said S. of the fourth part, and whereas the said H. S. had contracted and agreed with the said W. S. W. for the purchase of an annuity or yearly sum of two hundred and fifty pounds of lawful money of Great Britain, payable to him the said H. S. his executors, administrators, and assigns, during the life of the said W. S. W. at or for the price or sum of one thousand five hundred pounds, and which said sum of one thousand five hundred pounds the said H. S. hath paid to the said W. S. W. at or before the sealing and delivering of these presents, and for the payment of the said annuity or yearly sum of two hundred and fifty pounds, unto the said H. S. his heirs, administrators, and assigns, during the natural life of the said W. S. W. in and by one bond or obligation, bearing even date herewith, is become bound to the said H. S. in the penal sum of three thousand pounds, with a condition to be void on payment by the said W. S. W. unto the said H. S. his executors, administrators, and assigns, yearly and every year for and during the term of the natural life of the said W. S. W. at or in the common dining-hall of Lincoln's Inn, in the said county of Middlesex, of one clear annuity or yearly sum of two hundred and fifty pounds of lawful money, &c. by half yearly payments, on the days and times, and in the manner in the condition of the said recited bond, mentioned and applied for payment thereof; and hath also for the better securing the payment thereof, executed a warrant of attorney, bearing even date herewith, to confess judgment in his majesty's court of common pleas, at Westminster, at the suit of the said H. S. for three thousand pounds debt, on the said recited bond, with costs of suit; and the said W. S. W. for the better securing the payment of the said annuity or yearly sum of two hundred and fifty pounds, (OMITTED IN INDICTMENT), *during the life of him the said W. S. W.* hath agreed that in case he survives his said mother, he the said W. S. W. will within the space of six months after her decease, by proper and valid deeds or instruments in the law, charge and make chargeable, the said real estate, which he will come into the possession of, and under and by virtue of the said hereinbefore part in recited indenture of settlement, with the payment of the said annuity or yearly sum of two hundred and fifty pounds, during the life of the W. S. W. to the said H. S. his executors, administrators, or assigns; now this indenture witnesseth, that in consideration of the premises, and the sum of one thousand five hundred pounds of lawful money, &c. to the said W. S. W. in hand, paid by the said H. S. at or before the sealing and delivery of these presents, the receipt whereof, he the said W. S. W. doth hereby acknowledge, and thereof, and of, and from every part thereof doth acquit, release, and discharge the said H. S. his heirs, executors, administrators, and assigns, and every of them for ever by these presents, he the said W. S. W. doth hereby for himself, his heirs, executors, and administrators, covenant, promise, and agree to and with the said H. S. his heirs, executors, administrators, and assigns,

assigns, that he the said W. S. W. in case he shall survive and outlive his mother, shall and will within six months next after her decease, at the costs and charges of the said W. S. W. by such good and sufficient conveyances and assurances in law as the counsel of the said H. S. his executors, administrators, and assigns, shall advise and direct, well and sufficiently charge, and make chargeable all and singular the messuages, lands, tenements, meadows, pastures, and hereditaments whatsoever, formerly of the said T. S. situate, lying, and being in W. S. S. E. and I. in the county of S. or some or one of them, of the clear yearly value of three hundred pounds or upwards, to which the said W. S. W. is entitled after the decease of his said mother as aforesaid, with the payment of the said annuity, yearly rent, charge, or annual sum of one hundred and fifty pounds, of lawful, &c. and all arrears of the same which may then happen to be due, and be made payable to the said H. S. his executors, administrators, and assigns, during the life of the said W. S. W. on the days and times, at the place, and in manner, in and by the condition of the hereinbefore recited bond or obligation mentioned and appointed for the payment thereof; and that in such deed there shall be inserted such clauses, powers, and remedies for obtaining and recovering the said annuity or yearly sum of two hundred and fifty pounds, during the life of the said W. S. W. as he the said H. S. his executors, administrators, or assigns, or his or their counsel learned in the law shall reasonably advise or require. In witness, &c.

Your opinion is desired upon all the circumstances of this case whatever, notwithstanding W.'s having been acquitted on this indictment, whether another of the same tendency may not be preferred against him and the Rev. Mr. B.; if you are of opinion there is sufficient evidence stated in this case to convict them? is it any objection to the testimony of J. A. D. and B. on behalf of such prosecution, (who may be compelled to attend and give evidence), their having been indicted and acquitted as above-stated, and do you think such a step the most advisable for Mr. S. to recover his money, B. being a man of good fortune, or what other means would you advise Mr. S. now to pursue?

Opinion.

I think the circumstances above-stated sufficiently prove a conspiracy between Mr. B. and W. to defraud Mr. S. Mr. B. perfectly understood that W. was an impostor, and that he had himself been cheated by him, when he applied to Sir W. D. fraudulently misrepresenting W. as a man of immense fortune, and by that means

facilitating W.'s endeavours to procure by Sir W. D.'s agency, the money from Mr. S. and a jury will find no difficulty in concluding that these applicants to Sir W. D. by Mr. B. and W. were in consequence of a preconcerted scheme between them, especially when it is considered, that in order to effect the delusion of Mr. B. he enabled W. to remove Mr. S.'s objections with respect to the judgments which had been entered up at his suit, under an express agreement between them that Mr. B. should have, and actually received one thousand and forty-two pounds of the one thousand five hundred which Mr. S. was by that means meant to be, and afterwards was cheated out of. I am therefore of opinion that Mr. B. would be convicted on an indictment of conspiracy which seems the most probable means of Mr. S.'s obtaining satisfaction for the gross cheat which has been practised upon him. W. having been already acquitted upon an indictment of conspiracy with other defendants, of whom Mr. B. was not one, is no ground of objection to another indictment of conspiracy, though

CONSPIRACY.

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though of the same nature, with Mr B. indicted and acquitted as above-men-
tioned; nor is it any objection to the testi-
mony of J. A. D. and B. in be-
half of such prosecution, that they were

W. DAVY.

MIDDLESEX, to wit. The jurors for our lord the king, upon their oath present, that W. S. W. late of the parish of Saint James, in the liberty of Westminster, in the county of Middlesex, esquire, and R. H. B. late of Mill-bank, Westminster, in the county aforesaid, clerk, wickedly and unjustly devising and intending to defraud one H. S. esquire, of his money, on the twelfth day of February, in the seventeenth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. &c. &c. at Westminster, in the county of Middlesex aforesaid, did wilfully, fraudulently, falsely, and unlawfully did conspire, combine, and agree among themselves to cheat and defraud the said H. S. of a large sum of money, under a false and deceitful colour, and pretence of the said W. S. W.'s having and securing to be paid unto the said H. S. his executors, administrators, and assigns, a certain annuity to be payable during the natural life of the said W. S. W. in consideration of the said sum of money, and that the said R. H. B. in pursuance of and according to the conspiracy, combination, and agreement so as aforesaid had and made between him the said W. S. W. afterwards, to wit, on the said twentieth of January, in the seventeenth year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, wickedly, falsely, fraudulently, unlawfully, and deceitfully did pretend and represent to one Sir William D. knight (he the said Sir William, being then and there an agent of the said H. S.), that the said W. S. W. was a man of an immense fortune, and that the said W. S. W. according to the said conspiracy, combination, and agreement so as aforesaid had and made between him and the said R. H. B. afterwards, to wit, on the same day and year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, wickedly, falsely, fraudulently, unlawfully, and deceitfully did pretend and represent to the said Sir W. D. (he the said Sir W. D. then and there being an agent of the said H. S.) that he the said W. S. W. was in present possession of one thousand pounds *per annum*, consisting of certain estates and lands called L. A. and B. in the county of S. and that there then was on the said estates timber worth five thousand pounds, and that the said W. S. W. at the death of his mother was entitled to the following estates in the county of S. that is to say, W. l. L. E. and F. worth seven hundred and fifty pounds *per annum*, with the timber thereon of the value of five thousand pounds, and that he the said W. S. W. would be at the death of his grandfather aged ninety-five years, entitled to a capital estate called Onslow estate, worth two thousand seven hundred pounds *per annum*, and that he the said W. S. W. was then heir to two hundred thousand pounds and upwards, expectant on the death of his aunt, and that the said H. S. might have a recital of those expectancies, and a charge upon any of them for securing the said annuity, if he the

Indictment of
A. and B. for a
conspiracy to de-
fraud H. S. of
1500l. under
pretence of A's
securing to be
paid to C. an an-
nuity of 250l.
during A's life,
by B's falsely re-
presenting, &c.

said

said H. S. should think proper, but that he the said W. S. W. would not encumber his then present estate, except by bond and judgment, and that the said W. S. W. in pursuance of, and according to the said wicked conspiracy, combination, and agreement so as aforesaid had and made between him the said R. H. B. afterwards, to wit, on the twenty-fifth day of February, in the seventeenth year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, did fraudulently, falsely, and unlawfully represent to the said H. S. that all the judgments which had been theretofore entered up in the court of our sovereign lord the king against him the said W. S. W. were satisfied, and that the said W. S. W. in pursuance of, and according to the said conspiracy, combination, and agreement aforesaid, between him and the said R. H. B. so as aforesaid, had afterwards, to wit, on the said twenty-fifth day of February, in the seventeenth year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, and in order to obtain a large sum of money, to wit, the sum of one thousand five hundred pounds, from the said H. S. under such pretences as are before-mentioned, did falsely, fraudulently, and deceitfully sign, seal, and execute a certain bond, bearing date the twenty-second day of February, in the seventeenth year aforesaid, to the said H. S. in the penal sum of three thousand pounds of lawful money of, &c. conditioned for the payment by the said W. S. W. his heirs, executors, or administrators to the said H. S. his executors, administrators, or assigns, of an annuity of two hundred and fifty pounds, by equal half yearly payments, on the several days and times following, that is to say, on the twenty-second of August, and the twenty-second of February, from thenceforth, in every year during the life of the said W. S. W. at or in the common dining-hall of Lincoln's Inn, in the county of Middlesex, and also a proportionable part of the last half yearly payment of the said annuity, up to the day of the decease of the said W. S. W. without making any deduction, defalcation, or abatement whatsoever, and also a certain warrant of attorney, bearing date the same twenty-second day of February, in the seventeenth year aforesaid, authorizing any attorney of the court of common pleas at Westminster to confess a judgment in the same court against the said W. S. W. on the said bond; and also a certain indenture bearing date the said twenty-second day of February, in the seventeenth year aforesaid, purporting to be made between the said W. S. W. of St. James's place, in the liberty of Westminster, and county of Middlesex, esquire, eldest son of W. W. formerly of W. in the county of S. gentleman, deceased, by S. his wife, and then his widow, and which said S. was the grandmother of T. S. late of Great Y. in the county of N. merchant, of the one part, and the said H. S. of the other part, reciting that the said W. S. W. on the death of his mother became seised of, interested in, or intitled unto divers estates both freehold and leasehold, of a very considerable annual value, by virtue of and under a certain indenture of release and assignment of four parts, made previous to the marriage of the said W. W. and S. his wife, bearing date the twenty-second day of May

1752, and made or mentioned to be made between the said I. S. of the one part, W. S. and I. E. therein particularly described of the second part, the said W. W. of the third part, and the said S. of the fourth part, and reciting the said H. S. having purchased the annuity for the sum of one thousand five hundred pounds, and also reciting the said bond and warrant, and that the said W. S. W. for the better securing of the payment of the said annuity, hath agreed, that in case he survived his said mother, he the said W. S. W. would within the space of three months next after her decease, by proper and valid deeds and instruments in the law, charge and make chargeable the said real estates which he would come into the possession of, under, and by virtue of the said hereinbefore in part recited indenture of settlement, with the payment of the said annuity; it was by the said indenture of the twenty-second of February, in the seventeenth year aforesaid, witnessed, that the said W. S. W. for himself, his heirs, executors, and administrators, did covenant and grant to and with the said H. S. his heirs, executors, administrators, and assigns, that the said W. S. W. in case he should survive and outlive his said mother, should and would, within six months next after her decease, at the costs and charges of him the said W. S. W. by such good and sufficient covenants and assignments in the law as the counsel of the said H. S. should devise and direct, well and sufficiently charge and make chargeable all and singular the messuages, lands, tenements, meadows, pastures, and hereditaments whatsoever, formerly of the said T. S. in W. S. S. E. and in the county of S. or some or one of them, of the clear yearly value of three hundred pounds or upwards, to which the said W. S. W. was entitled after the decease of his mother as aforesaid, with the payment of the said annuity, and all arrears of the same which might then happen to be due; and the said W. S. W. in pursuance of and according to the said conspiracy, combination, and agreement aforesaid had between them and the said R. H. B. then and there, to wit, on the said twenty-fifth day of February, in the seventeenth year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, by the false pretences aforesaid, and by execution of the said bond, warrant of attorney, and indenture, did wickedly, fraudulently, and unlawfully obtain, acquire, and get into the hands and possession of him the said W. S. W. the sum of one thousand five hundred pounds of lawful money, &c. and did thereby cheat and defraud the said H. S. of the sum of one thousand five hundred pounds: whereas in truth and in fact the said W. S. W. was not a man of immense fortune as was falsely pretended and represented as aforesaid; and the said W. S. W. and R. H. B. at the time of making such pretence and representation, well knew the same, to wit, at W. aforesaid, in the county of Middlesex: and whereas in truth and in fact the said W. S. W. was not in possession of one thousand pounds *per annum*, consisting in estates or lands, called L. A. and B. in the county of S. or of any other estates or lands in the said county of S. as was falsely pretended and represented as aforesaid; and the said W. S. W. and R. H. B.

1st Neg.

2d Neg.

- 3d Neg. R. H. B. at the time of making such false pretence and representation well knew the same, to wit, at W. aforesaid, in the said county of Middlesex: and whereas in truth and in fact the said W. S. W. was not, nor would at the death of his mother be entitled to the said estates in the county of S. called W. L. L. E. and F. worth seven hundred and fifty pounds *per annum*, with timber thereon of the value of five thousand pounds, or of any of those estates as was falsely pretended and represented as aforesaid; and the said W. S. W. and R. H. B. at the time of making such false pretence and representation well knew the same, to wit, at W.
- 4th Neg. aforesaid, in the county of Middlesex aforesaid: and whereas in truth and in fact the said W. S. W. would not be at the death of his said grandfather entitled to the said estate called O. estate, worth two thousand seven hundred pounds *per ann.* or to any other estates or lands whatsoever, as was falsely pretended and represented as aforesaid; and the said W. S. W. and R. H. B. at the time of making such false pretence and representation well knew the same, to wit, at Westminster aforesaid, in the county of Middlesex aforesaid: and whereas in truth and in fact, the said W. S. W. had not any grandfather living at the time of making the said several false pretences, or any of them; and the said W. S. W. and R. H. B. at the time of making thereof well knew the same, to wit,
- 6th Neg. at W. aforesaid, in the said county of Middlesex: and whereas in truth and in fact, the said W. S. W. was not heir to two hundred thousand pounds and upwards, or to any other sums of money, estates, or effects whatsoever, expectant on the death of any aunt of him the said W. S. W. as was falsely pretended and represented as aforesaid; and the said W. S. W. and R. H. B. at the time of making such false pretence and representation as last aforesaid well knew the same, to wit, at W. aforesaid, in the said county of Middlesex: and whereas in truth and in fact none of the judgments which had been theretofore entered up in the said court of our said lord the king, before the king himself, against the said W. S. W. were then satisfied and discharged, as was so falsely pretended and represented, and the said W. S. W. and R. H. B. at the time of making such false pretence and representation, well knew the same, and all these said judgments are now unsatisfied, to wit, at W. aforesaid, in the said county of Middlesex: And the jurors aforesaid, upon their oath aforesaid, do say that the said W. S. W. and R. H. B. according to the conspiracy, combination, and agreement between them had and made as aforesaid, the aforesaid H. S. of the said sum of one thousand five hundred pounds in manner and form aforesaid, fraudulently and unlawfully did deceive and defraud, to the great damage of the said H. S. and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath do further present, that the said W. S. W. late of the parish of Saint James, in the liberty of W. in the said county of Middlesex, esquire, and R. H. B. late of Mill-bank, W. in the said county of Middlesex, clerk, wilfully and unjustly devising and intending to cheat and defraud the said H. S. of his money on the twentieth
- 2d Count. of

of January, in the seventeenth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. at W. in the county of Middlesex aforesaid, wickedly, falsely, fraudulently, and unlawfully did conspire, combine, and agree among themselves to obtain, acquire, and get into their hands and possession, of and from the said H. S. a large sum of money under a false colour and pretence, of the said W. S. W. securing unto the said H. S. a certain annuity to be payable by the said W. S. W. to the said H. S. during the natural life of the said W. S. W. and that the said W. S. W. and R. H. B. in pursuance of, and according to the said last-mentioned conspiracy, combination, and agreement aforesaid, between them aforesaid had and made, afterwards, to wit, on the twenty-fifth of February, in the seventeenth year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, did falsely, fraudulently, unlawfully, and deceitfully pretend to the said Sir W. D. (he the said Sir W. D. then and there being an agent of the said H. S.), that the said W. S. W. then was a man of an immense fortune, and that the said W. S. W. was in present possession of a large estate, in the county of S. and that the said W. S. W.'s mother was entitled to certain other large estates in the county of S. and that the said W. S. W. and R. H. B. in pursuance of and according to the conspiracy, combination, and agreement between them the said W. S. W. and R. H. B. had as last aforesaid, afterwards, to wit, on the said twenty-fifth of February, in the seventeenth year aforesaid, at W. aforesaid, in the county of Middlesex aforesaid, by the false pretences aforesaid, also by the colour of a certain bond, executed by the said W. S. W. to the said H. S. in the penal sum of three thousand pounds of lawful money of Great Britain, conditioned for the payment by the said W. S. W. his heirs, executors, or administrators, unto the said H. S. his executors, administrators, or assigns, of an annuity of two hundred and fifty pounds, by two equal half yearly payments, on the twenty-second of August, and twenty-second of February, from thenceforth in every year during the life of the said W. S. W. at or in the common dining-hall of Lincoln's Inn, in the said county of Middlesex, and also a proportionable part of the last half yearly payment of the said annuity up to the day of the decease of the said W. S. W. without making any deduction, defalcation, or abatement whatsoever, and also a certain warrant of attorney to confess judgment in his majesty's court of common pleas at Westminster, against the said W. S. W. on the said bond, and also by colour and pretence of a certain indenture, whereby the said W. S. W. covenanted with the said H. S. after the decease of his mother, with the payment of the said annuity, fraudulently, and unlawfully did obtain, acquire, and get into the hands and possession of the said W. S. W. the sum of one thousand five hundred pounds of lawful money of Great Britain, of and from the said H. S. and did thereby then and there defraud the said H. S. of the said last-mentioned money, whereas in truth and in fact the said W. S. W. was not a man of immense fortune, nor was then in possession of any estate, in the county of S. nor
would

MISDEMEANOR.

would be at the death of his the said W. S. W.'s mother, be entitled to any estates in the county of S. as was falsely pretended as aforesaid; and the said W. S. W. and R. H. B. then and there well knew the same; and so the jurors aforesaid, upon their oath aforesaid, do say that the said W. S. W. and R. H. B. according to the conspiracy, combination, and agreement between them as aforesaid, before had of him the said H. S. the sum of one thousand five hundred pounds, in manner and form aforesaid, fraudulently and unlawfully did deceive and defraud, to the great damage of the said H. S. and against the peace of our said lord the king, his crown and dignity, &c.

G. WOOD.

As this and the preceding indictment made a subject of much discussion as well out of the Count as in it, at the time when they were preferred; and were

most ably drawn and settled; I have thought them of sufficient importance to insert both together, with the deed which gave rise to the prosecutions.

Indictment for a conspiracy to hold to bail A. B. for the sum of 1100l. on an affidavit which was sworn before the clerk to the signer of the bills of Middlesex.

LONDON, to wit. The jurors for our lord the king, upon their oath present, that Ambrose Sheers, late of Cock-lane, in the parish of , and Thomas Collins, late of Spread-Eagle-court, Gray's Inn-lane, labourer, wickedly, maliciously, and unjustly devising and intending to aggrieve one Joseph Robson, and also to subject him without any just cause, to divers costs and charges, and to force and oblige him to undergo and suffer many great and arduous troubles both of body and mind, on the fourth of April, in the twentieth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. at London aforesaid, that is to say at the parish of St. Dunstan in the West, in the ward of Farringdon Without, in London aforesaid, wickedly, unlawfully, and maliciously did conspire, combine, and agree together to cause and procure the sum of one thousand one hundred pounds to be indorsed upon a certain precept of our lord the now king, called a bill of Middlesex, issued out of the court of our said lord the now king, before the king himself, by virtue whereof, the said Joseph R. might be arrested to answer in the same court, at the suit of the said T. C. by the name of Thomas Jones, with an intention that the said Joseph R. might be compelled to find bail for the said sum of one thousand one hundred pounds, according to the form of the statute in such case made and provided, and that the said T. C. in pursuance of and according to the conspiracy, combination, and agreement so as aforesaid had and made between him the said Ambrose S. afterwards, to wit, on the fourth of April, in the twentieth year aforesaid, at London aforesaid, that is to say at the parish of Saint Dunstan in the West aforesaid, in the said ward of Farringdon Without, in London aforesaid, in his own proper person came before B. Braithwaite, gentleman, then and still being deputy to William Marshall, then and yet signer of the said precepts of our said lord the now king, called bills of Middlesex, out of the court of our said lord the king, before the king himself, (which said William Marshall, by virtue of his said office, and according to the custom

custom of the said court, *was such signer (a)* in that behalf), and the said T. C. in pursuance of, and according to the said wicked conspiracy, combination, and agreement so as aforesaid had and made between him and the said Ambrose S. afterwards, to wit, on the said fourth of April, in the twentieth year of the reign, &c. at, &c. aforesaid, did take his corporal oath, upon the holy Gospel of God, before the said B. Braithwaite, then and there having full and sufficient power and authority to administer an oath to the said T. C. in that behalf, by virtue of a certain act of parliament, made at a parliament holden by several prorogations at Westminster, on the twentieth of January, in the twelfth year of the reign of the late king George the first, of Great Britain, France, and Ireland, intituled "an act to prevent frivolous and vexatious arrests," and did then and there before the said B. B. the deputy aforesaid, upon his oath aforesaid, falsely, maliciously, wickedly, and corruptly say, depose, swear, and make affidavit in writing amongst other things, that the said J. R. was then justly and truly indebted to him the said T. C. in the sum of one thousand one hundred pounds, money lent and advanced to the said J. R. which said affidavit was entitled as followeth, "King's Bench, Thomas Jones, plaintiff, "J. Robson, defendant," as by the said affidavit filed in court may more fully appear: whereas in truth and in fact, at the time at which the said C. did take his said oath, and make his said affidavit in form aforesaid, the said J. R. was not justly and truly indebted to the said T. C. in the sum of one thousand one hundred pounds, money lent and advanced to the said J. R. and the said A. S. and T. C. at the time of taking such oath, and making such affidavit, well knew the same, to wit, at W. aforesaid: and whereas in truth and in fact, at the time on which the said T. C. did take his said oath, and make his said affidavit, in form aforesaid, the said J. R. was not justly and truly indebted to the said T. C. in any sum of money whatsoever lent and advanced to the said J. R. and the said A. S. and T. C. at the time of taking such oath and making such affidavit, well knew the same, to wit, at W. aforesaid; and whereas in truth and in fact, at the time on which the said T. C. did take his said oath, and make his said affidavit in form aforesaid, he the said J. R. was not indebted to the said T. C. in the said sum of one thousand one hundred pounds, or in any other sum whatsoever, upon any account whatsoever, and the said A. S. and T. C. at the time of taking such oath, and making such affidavit, well knew the same, to wit, at W. aforesaid, by reason and means of which said conspiracy, combination, and agreement, so as aforesaid, had and made between the said A. S. and the said T. C. the said J. R. has been put to great expence of his money, and has undergone and suffered many great and arduous troubles both of body and mind, to the great damage of the said J. R. to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity, &c.

Averment that
A. was not in-
debted.

Averment that
A. was not in-
debted in any
sum.

(a) Omitted in the draft.

MIDDLESEX.

Indictment against defendants, for conspiring against one A. B. and accusing him of having forged the will of one C. D. in order to defraud the heirs of C. D. whereby he was taken up and committed to prison, and a bill of indictment was preferred against him, which was returned "not found."

MIDDLESEX. The jurors for our sovereign lord the king present, that Mary Thompson, late of, &c. John Edward, late of, &c. and Rose Edward his wife, Luke Sherlock, late of, &c. and Mary Sherlock his wife, Catherine Honeywood, late of, &c. Lewis Pritchard, late of, &c. Dennis Currin, late of, &c. James Cotton, late of, &c. James Broadhurst, late of, &c. and Paul Chambers, late of, &c. being persons of evil minds and dispositions, and most wickedly contriving and intending to oppress and aggrieve one John Farrell, and not only unjustly to deprive him of his credit and good reputation, but most unjustly to accuse him of felony and forgery, and as far as in them lay to subject him to the pains and penalties thereof, on, &c. in the tenth year of the reign, &c. and on divers other days and times between that day and the twenty-seventh, &c. in the tenth year aforesaid, with force and arms, at, &c. did wickedly, diabolically, unlawfully, and maliciously combine, conspire, confederate, and agree together, falsely to accuse and charge the said John Farrell that he the said J. F. had feloniously and falsely made, forged, and counterfeited the last will and testament of one C. B. before that time deceased, dated the seventeenth day, &c. with intention to defraud the next of kin of the said C. B. ; and in further prosecution of their wicked devices and intentions, they the said defendants (naming them), according to the conspiracy, combination, and agreement between them as aforesaid had, afterwards, to wit, on, &c. in, &c. did upon the oaths of the said Catherine Honeywood and the said Lewis Pritchard, or one of them, by them or one of them in that behalf made before Sir J. F. then and yet one of the justices of our said lord the king, assigned to keep the peace of our said lord the king within the said county, cause a warrant to be issued forth, under the hand and seal of the said justice, against him the said John Farrell, for a certain charge therein contained, to wit, for feloniously and falsely making, forging, and counterfeiting a certain will and testament, purporting to be the last will and testament of C. B. dated the seventeenth, &c. with intention to defraud the next of kin of the said C. B. or some other person or persons in the said warrant named, that the said John Farrell might be apprehended by virtue thereof ; and the said John Farrell afterwards, to wit, on, &c. in the tenth year aforesaid, was taken and apprehended by virtue of the said warrant, and committed by the said Sir J. F. to prison, to wit, to his majesty's gaol of Newgate, on the charge aforesaid : And the jurors aforesaid, upon their oath aforesaid, do further present, that in further prosecution of the said wicked devices and intentions of them the said Mary Thompson, &c. (the other defendants), and according to the conspiracy, combination, and agreement between them as aforesaid, the said Catherine Honeywood and Lewis Pritchard afterwards, to wit, at the general quarter sessions of oyer and terminer of our said lord the king, holden for the city of London, at Justice Hall, in the Old Bailey, within the parish of, &c. on Wednesday the twenty-fifth, &c. in the tenth year of, &c. before W. B. esquire, mayor of the said city of London,

don, Sir R. A. one of the barons of the court of exchequer of our said lord the king, Sir W. S. knight, one of the aldermen of the said city of London, &c. &c. &c. and other their fellow justices of our said lord the king, assigned by letters patent of our said lord the king, under the great seal of Great Britain, to the same justices before named and others, or any four or more of them, directed to enquire more fully the truth, by the oath of good and lawful men of the said city of London, and by other ways and means and methods by which they should or might better know (as well within liberties as without), by whom the truth of the matter might be better known, of all treasons, felonies, and other crimes, misdemeanors, evil doings, offences, and injuries whatsoever, and also the accessaries of them, within the city of London aforesaid (as well within liberties as without), by whomsoever, or in what manner soever, done, committed, or perpetrated, and by whom, or to whom, when, how, and after what manner, and the said treasons and other the premises to hear and determine, according to the laws and customs of England, did exhibit a certain bill of indictment against the said J. F. by the name and addition of J. F. late of London, gentleman, to C. W. &c. &c. &c. &c. good and lawful men of the said city of London, then and there sworn and charged for our said lord the king for the body of the said city; which said bill of indictment was by the said jurors abovenamed then and there returned in the said court before the said justices of our said lord the king abovenamed, and other their fellows as aforesaid, thus indorsed, "Not found;" and which said bill of indictment is as follows (here copy the bill of indictment and the will) with intention to defraud one John Edward and Rose his wife, and Mary Thompson, against the form of the statute, &c. and against the peace, &c. his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, further present for our said lord the king, that the said J. F. afterwards, on, &c. with force and arms, at, &c. that is to say, at the said parish of, &c. feloniously did utter and publish as true a certain false, forged, and counterfeited will and testament; which said last-mentioned will and testament is as follows, that is to say (here copy the will), with intention to defraud the abovenamed J. E. and Rose his wife, and Mary Thompson, the said J. F. at the said time and place when and where here uttered and published the said last-mentioned false, feigned, and counterfeited will and testament, then and there well knowing the same to be false, feigned, and counterfeited, against the form of the statute, &c. and against the peace, &c. his crown and dignity, with intent to aggrrieve the said J. F. and to put him to great expences and charges, and to subject him to the pains and penalties provided by the laws of this realm against those that are guilty of such felony and forgery as is above charged upon the said J. F. to the great damage and disgrace of the said J. F. in contempt of our said lord the king and his laws, to the evil example of all others, &c. and against the peace, &c. his crown and dignity. And the jurors aforesaid first above mentioned do further present,

Set out as
Count of the
indictment pre-
ferred.

that the said Mary Thompson, &c. &c. &c. (the other defendant), being persons of evil minds and dispositions, wickedly contriving and intending to oppress and aggrieve the said J. F. and most unjustly to accuse him of felony and forgery, and as far as in them lay to subject him to the pains and penalties thereof, afterwards, to wit, on, &c. and on divers other days and times between that day and the twenty-seventh day of, &c. with force and arms, at, &c. did wickedly, diabolically, unlawfully, and maliciously combine, conspire, and agree, and confederate together, falsely to accuse and charge the said J. F. that he the said J. F. had feloniously and falsely made, forged, and counterfeited the last will and testament of one other C. B. before that time deceased, dated the seventeenth, &c. with intention to defraud the next of kin of her the said C. B. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said defendants afterwards, to wit, on, &c. in the eighteenth year aforesaid, at, &c. in, &c. according to the conspiracy, combination, and agreement between them had as last aforesaid, did falsely, unlawfully, and maliciously accuse and charge, and caused to be accused and charged, the said J. F. before the said Sir J. F. then and yet being one of the justices of our said lord the king assigned to keep the peace of our said lord the king within the said county of Middlesex, that he the said J. F. had feloniously and falsely made, forged, and counterfeited the last will and testament of the said C. B. deceased, dated the seventeenth day, &c. with intention to defraud the next of kin of the said C. B. whereas in truth and in fact the said J. F. was not in any respect guilty of feloniously or falsely making, forging, or counterfeiting the said last will and testament of the said last-named C. B. or of any other person whatsoever, to the great damage of the said J. F. in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our lord the king, his crown and dignity.

The indictment was removed from the sessions into the king's bench, and the defendants Edward and his wife,

Sherlock and his wife, and M. Thompson, pleaded not guilty..

Indictment against the defendants for conspiring against one A. B. accusing him of having poisoned four horses, and exhibiting a bill of indictment against him, upon the trial of which he was acquitted.

LINCOLNSHIRE, *ff.* The jurors for our lord the king, upon their oath do present, that W. W. late of, &c. grazier, T. S. late of, &c. grazier, T. W. late of, &c. grazier, T. H. late of, &c. gentleman, J. A. late of, &c. gentleman. R. B. late of, &c. merchant, W. S. late of, &c. yeoman, and A. T. late of, &c. single woman, being persons of evil name and fame, and of dishonest conversation, and wickedly devising and unjustly intending to deprive one R. C. of his good name, credit, and reputation, and also to subject the said R. C. without any just cause, to the pains and punishments inflicted by law on persons feloniously killing of cattle, contrary to the statute in, &c. heretofore, to wit, on, &c. among themselves did conspire, combine, and agree falsely to charge

charge and accuse the said R. C. that he the said R. C. had then lately, with force and arms, at, &c. in, &c. feloniously, unlawfully, wilfully, and maliciously killed and destroyed four geldings, of the goods and chattels of the said R. B. and one T. B. and one W. G. the younger, against the form of the statute, &c. ; and that the said R. C. had then lately before, to wit, at, &c. feloniously, unlawfully, wickedly, and maliciously, by poison, killed and destroyed four geldings of the said R. B. T. B. and W. G. ; and that he the said R. C. had then lately before, to wit, at, &c. feloniously, unlawfully, wickedly, and maliciously mixed together white arsenic, oats, and water, and the said white arsenic, oats, and water, so mixed together, had feloniously, unlawfully, wickedly, and maliciously given to four geldings, the goods and chattels of the said R. B. T. B. and W. G. contrary to the form of the statute aforesaid, to eat, he the said R. B. well knowing the said white arsenic to be a deadly poison; and that the said four geldings, by eating thereof, died, to the great damage of the said R. B. T. B. and W. G. against the form of the statute, &c. and against the peace, &c. his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that in further prosecution of the said wicked devices and intentions of them the said W. W. &c. &c. &c. afterwards, to wit, at the general sessions of oyer and terminer of our sovereign lord the king, holden in and for the county of L. at the castle of Lincoln, in the same county, on, &c. in the twelfth year of the reign, &c. before Sir William De Grey, &c. &c. &c. and other their fellow justices of our said lord the king assigned to inquire of all treasons, murders, &c. whatsoever, and also to hear and determine the same in the said county of L. did exhibit a certain bill of indictment against the said R. C. by the name and addition of R. C. late of, &c. taylor, to, &c. &c. &c. (naming the grand jury), good and lawful men of the said county, then and there sworn and charged to inquire for our said lord the king for the body of the said county, which said bill was by the said jurors above-named then and there returned to the said court before the said Sir William De Grey, &c. &c. thus indorsed, "A true bill;" which said bill followed in these words: Lincolnshire, to wit.

The jurors of our lord the king, upon their oath present, that R. C. late of, &c. in, &c. taylor, being an ill-designing and disorderly person, and of a wicked and malicious mind, after the first day of, &c. to wit, on, &c. in the tenth year of the reign, &c. with force and arms, at, &c. four geldings, of the goods and chattels of the said R. B. T. B. and W. G. then and there being found, feloniously, wilfully, and maliciously then and there did kill and destroy, to the great damage of the said R. B. &c. and against the form, &c. and against the peace, &c. his crown and dignity. (2d Count, four geldings of the price of twenty pounds, &c. by poison did kill. 3d Count, did mix together white arsenic, oats, and water, which said white arsenic, oats, and water, so mixed together as aforesaid, then and there feloniously, &c. did give to four geldings of the said R. B. &c. to eat, he the said R. C. well knowing

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poisoning horses.

knowing the said white arsenic to be a deadly poison ; and that the said four geldings did then and there eat the said white arsenic, &c. so mixed together by the said R. C. as aforesaid ; and by eating thereof as aforesaid, the said four geldings died : And so the jurors aforesaid, upon their oath aforesaid, do say, that the said R. C. on, &c. in the year, &c. the said four geldings then and there feloniously, &c. did poison, kill, and destroy, to the great damage of the said R. B. T. B. and W. G. against the form of the statute, &c. and against the peace, &c. &c.) And the jurors aforesaid, now here sworn and charged, upon their oath do further present, that the said W. W. &c. &c. according to the said conspiracy, combination, and agreement between them as aforesaid, had, in further prosecution of the said wicked devices and intentions of them the said W. W. &c. &c. unlawfully, wilfully, falsely, and maliciously, and without any reasonable or probable cause whatsoever, prosecuted, and unlawfully, wilfully, falsely, and maliciously, and without any reasonable or probable cause whatsoever, caused to be prosecuted the said indictment against the said R. C. to wit, at, &c. until the said R. C. afterwards, to wit, at the said general session of oyer and terminer, so holden for the said county of L. at the castle of L. and during the continuance of the said session court, on, &c. in the said twelfth year, &c. before the said Sir William De Grey, &c. &c. and other their fellow justices as aforesaid, was therein due manner, and according to due course of law, by a jury of the said county, acquitted ; by means of which said false accusation and prosecution against him the said R. C. in manner and form aforesaid, he the said R. C. was and is greatly defamed and disgraced, and put to great expence of his money, and underwent many great and arduous labours and troubles both of body and mind, to the great damage and disgrace of the said R. C. to the evil example, &c. and against the peace, &c. his crown and dignity.

J. MORGAN,

Indictment against journeymen leather-dressers, for conspiring together not to work in any shop where any person was taken to learn the trade for a less term than seven years, and for becoming members of a club of leather-dressers, who had agreed not to work with any person who had not served seven years to the trade.

SURRY, ss. The jurors for our sovereign lord the king, upon their oath present, that A. B. late of, &c. in, &c. labourer, C. D. late of the same, labourer, and E. F. of the same place, labourer, being journeymen leather-dressers, and not content to work in any shop where any person was taken as a learner for any less term than seven years, without fraud or deceit, heretofore, to wit, on, &c. in the twenty-second year of the reign, &c. at, &c. in, &c. did unlawfully conspire, combine, confederate, and agree together, not to work in any such shop as aforesaid. And the jurors aforesaid, upon their oath aforesaid, do further present, that in pursuance and prosecution of the said conspiracy, combination, confederacy, and agreement, between them the said A. B. C. D. and E. F. so as aforesaid had, they the said A. B. &c. on, &c. in the twenty-second year aforesaid, at, &c. in, &c. did unlawfully become members of a certain society then and there instituted under the name, stile, and title of "The Friendly United Leather Dressers of England," and did then and there unlawfully, unjustly, and corruptly, covenant, promise, conspire, combine, confederate, and agree amongst themselves, that

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that they would not, at any time or times thereafter, work in any shop where any person was taken as a learner, after the date of the institution of the aforesaid society, for any less term than seven years, without fraud and deceit, to the great prejudice of trade and encouragement of idleness, in contempt of our said lord the king and his laws, to the evil example, &c. and against, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. C. D. and E. F. being journeymen leather-dressers, and not content to work in any shop where any person was taken as a learner for any less term than seven years, without fraud or deceit, heretofore, to wit, on, &c. in the twenty-second year aforesaid, at, &c. in, &c. did unlawfully, unjustly, and corruptly covenant, promise, conspire, combine, confederate, and agree amongst themselves, that they would not, at any time or times thereafter, work in any shop where any person was taken as a learner for any less term than seven years, without fraud or deceit, to the great prejudice of trade, &c. in contempt, &c. &c. to the evil example, &c. and against the peace, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. C. D. and E. F. being journeymen leather-dressers, heretofore, to wit, on, &c. in the twenty-second year aforesaid, did become members of a certain society then and there instituted under the name, stile, and title of "The Friendly United Leather Dressers of England," and did then and there order and direct, that every member of that society should pay, or cause to be paid, into the hands of the steward thereof, the sum of one shilling every meeting night, and should likewise in every meeting night spend the sum of threepence halfpenny, but that such who were absent, or who should be paid for by another, should forfeit twopence; which forfeits should be laid by till quarterly night, to be then spent amongst the members present; but that such persons who were inferior, and which should be so proved to the satisfaction of the society, should pay but half the subscription to the stock of that society; and further, that the first Wednesday in January, April, July, and October, should be accounted quarterly or clearing nights, on which nights the books should be cleared of every demand more or less. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. C. D. and E. F. being journeymen leather-dressers, and contriving and intending, as much as in them lay, to deprive their masters of the benefit of the service of such of their journeymen, being members of the said society, as should neglect to clear the book of the said society of every demand, more or less, from them respectively due to the said society on such quarterly or clearing nights as aforesaid, heretofore, to wit, on, &c. in the twenty-second year aforesaid, at, &c. in, &c. did unlawfully, unjustly, and corruptly, covenant, combine, promise, conspire, confederate, and agree amongst themselves, that if any member of the said society should neglect to clear the books (that is to say, the books of the said society) of every demand, more or less (that is to say, of every demand, more or less, due from such member to the said society) on

ad Count, not stating the society.

3d Count, stating the regulations of the society, and that in case of default made not to work with defaulters.

such quarterly or clearing nights as aforesaid), they would not work by or with such defaulters after a reasonable time for finishing the work he might then have under hand, under the forfeiture of one guinea to their stock, payable at three shillings and sixpence per month, unless such defaulter should voluntarily, and of his own accord, promise and agree, before two witnesses members of that society, to make their society a present of one guinea, which he might either present at three shillings and sixpence per month, or the whole down, at his option, to the great prejudice of trade, &c. in contempt, &c. to the evil example, &c. and against, &c. &c.

3d Count, no person to be admitted of society but such as have served apprenticeship of seven years to a leather-dresser in the dry way, and possessed of a ticket as a clear member of the society; and not to work with such person.

And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. C. D. and E. F. being, &c. heretofore, to wit, on, &c. in, &c. at, &c. in, &c. did become members of a certain society then and there instituted under the name, &c. of, &c. and did then and there order and direct, that from and after the first quarterly meeting, which should be so held on Wednesday, the third of April 1782, no person should be admitted into that society but such as had served a regular apprenticeship of seven years, without fraud or deceit, to the trade or business of a leather-dresser in the dry way, which should be proved to the satisfaction of the society, such persons excepted who were really under contract, on, &c. all which should be admitted into that society when out of their contract, provided they should apply within three months from the expiration of such contract. And the jurors aforesaid, upon, &c. do, &c. that the said A. B. C. D. and E. F. so being, &c. contriving and intending, as much as in them lay, to deprive their masters of the benefit of the service of such of their journeymen as had not served a regular apprenticeship of seven years, without fraud or deceit, to the trade or business of a leather-dresser in the dry way, or were not in the exception before-mentioned, heretofore, to wit, on, &c. in, &c. at, &c. in, &c. did unlawfully, unjustly, and corruptly, covenant, &c. &c. amongst themselves, that they would not any time or times after the third day of April 1782, work in any shop by or with any person working as a journeyman leather-dresser in the dry way who was not possessed of a ticket signifying that he was a clear member of their society, to the great prejudice, &c. in contempt, &c. to the evil example, &c. and against, &c.

4th Count, not to work with persons who were not possessed of ticket as clear member,

And the jurors aforesaid, upon, &c. do, &c. that the said A. B. C. D. and E. F. being, &c. heretofore, to wit, on, &c. in, &c. at, &c. in, &c. did become members of a certain society then and there instituted, &c. &c. And the jurors aforesaid, upon, &c. so being, &c. contriving and intending, as much as in them lay, to deprive their masters of the benefit of the service of such of their journeymen as were not possessed of tickets signifying that they were clear members of that society, heretofore, to wit, on, &c. in, &c. at, &c. in, &c. did unlawfully, unjustly, and corruptly, covenant, &c. amongst themselves, that they would not, at any time or times after the said third day of April 1782, work in any shop by or with any person working as a journeyman leather-dresser in the dry way who was not possessed of a ticket signifying that he was a clear member of their

their society, to the great prejudice, &c. in contempt, &c. to the evil example, &c. and against the peace, &c. &c.

LONDON, to wit. The jurors for our sovereign lord the king, upon their oath present, that at the general quarter sessions of the peace of our lord the king, holden for the city of London, at the Guildhall, within the said city (by adjournment), on Tuesday the day of , in the year of the reign of our sovereign lord George the Second, late king of Great Britain, &c before H. B. esquire, then mayor of the city of L. F. C. esquire, J. P. esquire, aldermen of the said city, Sir W. M. knight, recorder of the said city, and others their fellows, then justices of our said late lord the king, within and for the said city, and also to hear and determine divers other felonies, trespasses, and other misdeeds committed within the said city, the said justices then present (application being made to them for that purpose, according to the form of the statute in that case made and provided) did order and appoint, that, &c. (recite the order); of which alterations notice was by the said order directed to be given, by publication of that order in the newspapers called, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said order was published in the said newspapers called, &c. afterwards, to wit, on, &c. in year, &c. to wit, in the said city of London and liberties thereof, to wit, in the parish of St. Mary-le-Bow, in the ward of Cheap. And the jurors aforesaid, upon their oath aforesaid, do further present, that W. M. late of London, journeyman taylor, and J. W. late of London aforesaid, journeyman taylor, on, &c. in the year of the reign of our sovereign lord, &c. by the grace of God, &c. and on divers other days and times between that day and , at London aforesaid, to wit, in the parish and ward aforesaid, with force and arms, did falsely, wickedly, and wilfully, conspire, confederate, and combine together, and to and with divers other journey-men taylors, and other persons to the jurors aforesaid unknown, for their private lucre and gain, to alter the rates aforesaid, and advance, increase, and augment the wages of the journeymen taylors seeking their and each of their living as journeymen, in the said art or mystery of a taylor in the city of London aforesaid, or within the liberties thereof, and to lessen the hours of work appointed and established by the said justices, at the said general quarter sessions as aforesaid, without application to be made to the justices of the peace at the general quarter sessions, according to the said act, and unjustly to exact great sums of money for the labour and hire of such journeymen in the said art or mystery; and in pursuance of the said conspiracy, confederacy, and combination, did unlawfully assemble and meet together, to wit, at London aforesaid, in the parish, &c. and being so met and assembled together, did then and there unlawfully, unjustly, and corruptly agree, that not any person retained or employed as a journeyman in the said art or mystery of a taylor, in the said city of London, or within the liberties, should

work in the said art or mystery of a taylor for less wages than three shillings by the day, over and besides three halfpence to be allowed by the master retaining and employing such journeyman for his breakfast; and that no such journeymen should work in the said art and mystery for and during the time and hours of work in every day appointed by the said justices of the peace at the said general quarter sessions of the peace as aforesaid, but that the space or time for work aforesaid should be diminished by the space of one hour every day; and that no such journeymen should work in the said art or mystery by the piece; and the more effectually to maintain and support such their unlawful conspiracy, confederacy, and combination as aforesaid, did then and there further agree, that in case any such journeyman taylor should thereafter work in or at the said art or mystery, at and for the wages or allowance, or for and during the time or hours of and for work in every day appointed by the said justices at the general quarter sessions aforesaid, or should work in or at the same art or mystery by the piece, that then and in every such case they should and would persuade and excite all and every the other journeymen employed by the master taylor, with whom such journeyman or journeymen should work as aforesaid, pursuant and according to the said order by the said justices so made at their said general quarter sessions as aforesaid, and contrary to the said unlawful combination and agreement, immediately to quit the service of such master taylor, and would also endeavour that such master taylor should not have any journeymen taylors to work for or with him, until he should have discharged from his service such journeyman or journeymen so employed as aforesaid, contrary to their said unlawful and corrupt agreement, to the great prejudice of trade, to the encouragement of idleness, to the evil example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity.

ad Count, club
formed to col-
lect a fund called
scheming mo-
ney; and that
whoever should
work without
contributing, &c.

And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. M. and J. W. on, &c. and on divers other days and times between that day and , at, &c. with force and arms, did falsely, wickedly, and unlawfully, conspire, confederate, and combine together, and to and with divers other journeymen taylors, and other persons to the jurors aforesaid at present unknown, for their private lucre and gain, to alter the rates aforesaid, and to advance, increase, and augment the wages of the journeymen taylors seeking their and each of their livings as journeymen in the said art or mystery of a taylor within the city of London, and the liberties thereof, and to lessen the hours of work appointed and established by the said justices, at the said general quarter sessions aforesaid, without application being made to the justices of the peace, at their general quarter sessions, according to the said act, and unjustly to exact great sums of money for the labour and hire of such journeymen in the said art or mystery, and in pursuance of the conspiracy, confederacy, and combination aforesaid, did then and there unlawfully, unjustly, and corruptly agree, that no person retained or employed as a journeyman in the said art or mystery of a taylor in the

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the said city, or the liberties thereof, should work in the said art or mystery for less wages than three shillings by the day, over and besides three halfpence to be allowed by the master retaining and employing such journeyman for his breakfast; and that no such journeyman should work in the said art or mystery for and during the time or hours for work in every day appointed by the justices of the peace at their general quarter sessions aforesaid, but that the time of work aforesaid should be diminished by the space of one hour in every day; and that no such journeymen should work in the said art or mystery by the piece; and that no journeyman taylor whatsoever should work in the said art or mystery of a taylor with any master taylor within the said city of L. and the liberties thereof, without first contributing and paying to the other journeymen taylors, at some or one of their clubs, associations, or houses of call, a certain sum of money, to wit, the sum of six shillings in the name of scheming money, for the carrying on their aforesaid conspiracies, confederacies, and combinations; and the more effectually to maintain and support such their said conspiracies, confederacies, and combinations as aforesaid, did then and there further agree, that in case any such journeyman taylor should thereafter work in the said art or mystery for the wages, or for and during the time or hours in every day appointed by the said justices at the general quarter sessions aforesaid, or should work in the same art or mystery by the piece, or who should work in the same art or mystery without having first contributed and paid to the other journeymen taylors, at some or one of their clubs, &c. the said sum of six shillings, in the name of, &c. then, and in every such case, they would persuade and excite all and every the other journeymen employed by the master taylor with whom such journeyman should work as aforesaid, contrary to the said unlawful agreement, immediately to quit the service of such master taylor, and would endeavour that such master taylor should not have any journeymen taylors to work for him until he should have discharged from his service the said journeyman taylor or journeymen taylors so employed to work as aforesaid, contrary to their said unlawful agreement, to the great prejudice of trade, to the encouragement of idleness, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity, &c.

PLEAS before our lord the king at Westminster, of Hilary term, in the twenty-eighth year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth, ROLL.

Among the Pleas of the King,

MIDDLESEX. Some time ago, that is to say, on Monday Record of in-
the tenth day of December, in the twenty-eighth year of the reign dictment, &c.
of our sovereign lord George the Third, king of Great Britain, &c.
at

Indictment for
a conspiracy in
combining to
seduce custom-
ers and employ-
ers to withdraw
their custom
from a common
brewer.

at the general session of oyer and terminer of our lord the king, holden in and for the county of Middlesex, at the session-house for the said county, before William Mainwaring, &c. esquires, and others their fellows, justices of our said lord the king, assigned by his majesty's letters patent, under the great seal of Great Britain, directed to the same justices before named, and others in the said letters named to enquire more fully the truth, by the oath of good and lawful men of the said county of Middlesex, and by other ways, means, and methods, by which they should or might better know (as well within liberties as without), by whom the truth of the matter might be better known, of all treasons, &c. within the county aforesaid (as well within liberties as without), by whomsoever, and in what manner soever done, committed, or perpetrated, and by whom, or to whom, when, how, and after what manner, and of all other articles and circumstances concerning the premises, and every of them, or any of them, in any manner whatsoever, and the said treasons and other the premises to hear and determine, according to the laws and customs of England, by the oath of twelve jurors, good and lawful men of the county aforesaid, then there sworn, and charged to enquire for our said lord the king for the body of the same county, it was presented as followeth, that is to say: Middlesex, to wit. The jurors for our lord the king, upon their oath present, that John Rogers Morgan, late of the parish of Saint Martin in the Fields, in the county of Middlesex, labourer, Charles Easley, late of the same, labourer, Joseph Lawrence, late of the same, labourer, and Richard Dale, late of the same, labourer (together with divers other persons whose names to the jurors aforesaid are as yet unknown), being persons of ill name and fame, and of dishonest conversation, and wickedly and maliciously minding, devising, contriving, and intending unlawfully to oppress, aggrieve, injure, and impoverish one Richard Meux, of the parish aforesaid, in the county aforesaid, common brewer, and as much as in them lay unlawfully to ruin him in his trade and business of a common brewer, which he then and there used and exercised, and to prevent and hinder him from using, exercising, and carrying on the said trade and business in as full, ample, and beneficial a manner as he was used and accustomed to do, on the fifteenth day of April, in the twenty-sixth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. at the parish aforesaid, in the county aforesaid, and whilst the said Richard Meux so used, exercised, and carried on the said trade and business of a common brewer as aforesaid, they the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, unlawfully, wickedly, and maliciously did conspire, combine, confederate, and agree together, unlawfully to seduce and persuade, and to cause and procure divers persons, liege subjects of our said lord the king, then and long before being customers to and employers of the said Richard Meux in his said trade and business of a common brewer, and who had been accustomed to deal with and buy, and then were accustomed to deal with and buy of and from

the

the said Richard Meux in the way of his said trade and business, divers large quantities of beer and porter for large sums of money, to abstain and desist from dealing with the said Richard Meux, and no longer to deal with or buy any more beer or porter of and from the said Richard Meux, and to cease in any manner to employ or be customers to the said Richard Meux in his said trade and business. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, in pursuance of the aforesaid unlawful conspiracy, combination, confederacy, and agreement between them as aforesaid, had afterwards, to wit, on the said fifteenth day of April, in the twenty-sixth year aforesaid, and on divers other days and times between that day and the day of the taking of this inquisition, at the parish aforesaid, in the county aforesaid, unlawfully, wickedly, and maliciously did seduce and persuade, and cause and procure one Charles Buer, one Thomas Collins, one Charles Scott, one George Wood, and one Henry Fisher, they the said Charles Buer, Thomas Collins, Charles Scott, George Wood, and Henry Fisher, then, to wit, on the said fifteenth day of April, in the twenty-sixth year aforesaid, and on those other days and times aforesaid, being customers to and employers of the said Richard Meux, in his said trade and business of a common brewer, and which said Charles Buer, Thomas Collins, Charles Scott, George Wood, and Henry Fisher, had been severally accustomed to deal with and buy, and then were severally accustomed to deal with and buy of and from the said Richard Meux in the way of his said trade and business, divers large quantities of beer and porter for large sums of money, to abstain and desist from dealing with the said Richard Meux, and no longer to deal with or buy any more beer or porter of or from the said Richard Meux, and to cease in any manner to employ or be customers to the said Richard Meux in his said trade and business of a common brewer, and did thereby greatly impoverish the said Richard Meux, and prevent and hinder him from using, exercising, and carrying on his said trade and business in as full, ample, and beneficial a manner as he was used and accustomed to do, and otherwise would have done, to wit, at the parish aforesaid, in the county aforesaid, to the great damage, impoverishment, injury, and oppression of the said Richard Meux, in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, together with divers other persons whose names to the jurors aforesaid are as yet unknown, being persons of ill name and fame, and of dishonest conversation, and wickedly and maliciously minding, devising, contriving, and intending unlawfully to oppress, aggrieve, injure, and impoverish the said Richard Meux, and as much as in them lay unlawfully to ruin him in his said trade and business of a common brewer, and to prevent and hinder him from using, exercising,

ad Count, for withdrawing customers who were wont to deal, setting out their names.

cising, and carrying on the said trade and business in as full, ample, and beneficial a manner as he was used and accustomed to do, on the said fifteenth day of April, in the twenty-sixth year aforesaid, at the parish aforesaid, in the county aforesaid, and whilst the said Richard Meux so used, exercised, and carried on the said trade and business of a common brewer as aforesaid, they the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, unlawfully, wickedly, and maliciously did conspire, combine, confederate, and agree together, unlawfully to seduce and persuade, and to cause and procure divers persons, liege subjects of our said lord the king, then and long before being customers to and employers of the said Richard Meux in his said trade and business of a common brewer, and who had been accustomed to deal with and buy, and then were accustomed to deal with and buy of and from the said Richard Meux in the way of his said trade and business, divers large quantities of beer and porter for large sums of money, to abstain and desist from dealing with the said Richard Meux, and no longer to deal with or buy any more beer or porter of and from the said Richard Meux, and to cease in any manner to employ or be customers to the said Richard Meux in his said trade and business. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, in pursuance of the aforesaid unlawful conspiracy, combination, confederacy, and agreement between them, so had as last aforesaid, afterwards, to wit, on the said fifteenth day of April, in the twenty-sixth year aforesaid, and on divers other days and times between that day and the day of the taking of this inquisition, at the parish aforesaid, in the county aforesaid, unlawfully, wickedly, and maliciously did endeavour to seduce and persuade, and to cause and procure the said Charles Buer, &c. (a great number of persons, naming them), they the said Charles Buer, &c. then, to wit, on the said fifteenth day of April, in the twenty-sixth year aforesaid, and on those other days and times last-mentioned, being customers to and employers of the said Richard Meux in his said trade and business of a common brewer, and which said Charles Buer, &c. had been severally accustomed to deal with and buy, and then were severally accustomed to deal with and buy of and from the said Richard Meux, in the way of his said trade and business, divers large quantities of beer and porter for large sums of money, to abstain and desist from dealing with the said Richard Meux, and no longer to deal with or buy any more beer or porter of or from the said Richard Meux, and to cease in any manner to employ or be customers to the said Richard Meux in his said trade and business of a common brewer, as they were severally wont and had been accustomed to do as aforesaid, to wit, at the parish aforesaid, in the county aforesaid, to the great damage, impoverishment, injury, and oppression of the said Richard Meux, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our
said

said lord the king, his crown and dignity. And the jurors afore-
 said, upon their oath afore said, do further present, that the said John
 Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard
 Dale, together with divers other persons whose names to the jurors
 afore said are as yet unknown, being persons of ill name and fame,
 and of dishonest conversation, and wickedly and maliciously
 minding, devising, contriving, and intending unlawfully to
 oppress, aggrieve, injure, and impoverish the said Richard Meux,
 and not only to ruin him in his good name, fame, credit, and repu-
 tation, but also, as much as in them lay, to prevent and hinder him
 from using, exercising, and carrying on his said trade and business
 of a common brewer, on the said fifteenth day of April, in the
 twenty-sixth year afore said, at the parish afore said, in the county
 afore said; and whilst the said Richard Meux so used, exercised, and
 carried on the said trade and business of a common brewer as
 afore said, they the said John Rogers Morgan, Charles Easley, Joseph
 Lawrence, and Richard Dale, unlawfully, wickedly, and maliciously
 did conspire, combine, confederate, and agree together, unlawfully
 to injure, oppress, and impoverish the said Richard Meux, and also to
 prevent and hinder him from using, exercising, and carrying on his
 said trade and business of a common brewer in as full, ample, and
 beneficial a manner as he was used and accustomed to do. And
 the jurors afore said, upon their oath afore said, do further present,
 that the said John Rogers Morgan, Charles Easley, Joseph Law-
 rence, and Richard Dale, in pursuance of the afore said unlawful
 conspiracy, combination, confederacy, and agreement between
 them so had as last afore said, afterwards, to wit, on the said fifteenth
 day of April, in the twenty-sixth year afore said, and on divers other
 days and times between that day and the day of taking this inquisi-
 tion, at the parish afore said, in the county afore said, unlawfully,
 wickedly, and maliciously did seduce and persuade, and cause and
 procure divers persons, liege subjects of our said lord the king, then,
 to wit, on the said fifteenth day of April, in the twenty-sixth year
 afore said, and on those other days and times last afore said, being
 customers to and employers of the said Richard Meux in his said
 trade and business of a common brewer, and who had been severally
 accustomed to deal with and buy, and then were severally accus-
 tomed to deal with and buy of and from the said Richard Meux in
 the way of his said trade and business, divers large quantities of beer
 and porter for large sums of money, to abstain and desist from
 dealing with the said Richard Meux, and no longer to deal with or
 buy any more beer or porter of or from the said Richard Meux,
 and to cease in any manner to employ or be customers to the said
 Richard Meux in his said trade and business of a common brewer,
 and did thereby greatly impoverish the said Richard Meux, and
 prevent and hinder him from using, exercising, and carrying on his
 said trade and business in as full, ample, and beneficial a manner as
 he was used and accustomed to do, and would otherwise have done,
 to wit, at the parish afore said, in the county afore said, to the great
 damage, impoverishment, injury, and oppression of the said Richard
 Meux, in contempt of our said lord the king and his laws, to the

3d Count, for
 persuading cus-
 tomers, &c. and
 preventing pro-
 secutor from
 carrying on, &c.
 in so beneficial a
 manner.

4th Count, for
persuading cus-
tomers general-
ly to withdraw
their custom.

evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, together with divers other persons whose names to the jurors aforesaid are as yet unknown, being persons of ill name and fame, and of dishonest conversation, and wickedly and maliciously minding, devising, contriving, and intending unlawfully to oppress, aggrieve, injure, and impoverish the said Richard Meux, and not only to ruin him in his good name, fame, credit, and reputation, but also, as much as in them lay, to prevent and hinder him from using, exercising, and carrying on his said trade and business of a common brewer, on the said fifteenth day of April, in the twenty-sixth year aforesaid, at the parish aforesaid, in the county aforesaid, and whilst the said Richard Meux so used, exercised, and carried on the said trade and business of a common brewer as aforesaid, they the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, unlawfully, wickedly, and maliciously did conspire, combine, confederate, and agree together, unlawfully to injure, oppress, and impoverish the said Richard Meux, and to prevent and hinder him from using, exercising, and carrying on his said trade and business of a common brewer in the same full, ample, and beneficial a manner as he was used and accustomed to do. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, in pursuance of the aforesaid unlawful conspiracy, combination, confederacy, and agreement between them, so had as last aforesaid, afterwards, to wit, on the said fifteenth day of April, in the twenty-sixth year aforesaid, and on divers other days and times between that day and the day of the taking of this inquisition, at the parish aforesaid, in the county aforesaid, unlawfully, wickedly, and maliciously did endeavour to seduce and persuade, and to cause and procure divers persons, liege subjects of our said lord the king, then, to wit, on the said fifteenth day of April, in the twenty-sixth year aforesaid, and on those other days and times last aforesaid, being customers to and employers of the said Richard Meux in his said trade and business of a common brewer, and who had been severally accustomed to deal with and buy, and then were severally accustomed to deal with and buy of and from the said Richard Meux in the way of his said trade and business, divers large quantities of beer and porter for large sums of money, to abstain and desist from dealing with the said Richard Meux, and no longer to deal with or buy any more beer or porter of or from the said Richard Meux, and to cease in any manner to employ or be customers to the said Richard Meux in his said trade and business of a brewer, as they were severally wont, and had been accustomed to do as aforesaid, to wit, at the parish aforesaid, in the county aforesaid, to the great damage, impoverishment, injury, and oppression of the said Richard Meux,

in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, together with divers other persons to the jurors aforesaid as yet unknown, being persons of ill name and fame, and of dishonest conversation, and wickedly and maliciously minding, devising, contriving, and intending unlawfully to oppress, aggrieve, injure, and impoverish the said Richard Meux, and unlawfully to ruin him in his good name, fame, credit, and reputation, and as much as in them lay to prevent and hinder him from using, exercising, and carrying on his said trade and business of a common brewer, on the said fifteenth day of April, in the twenty-sixth year aforesaid, at the parish aforesaid, in the county aforesaid, and whilst the said Richard Meux so used, exercised, and carried on the said trade and business of a common brewer as aforesaid, they the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, unlawfully, wickedly, and maliciously did conspire, combine, confederate, and agree together, unlawfully to oppress, aggrieve, injure, and impoverish the said Richard Meux, and not only to ruin him in his good name, fame, credit, and reputation, but also, as much as in them lay, to prevent and hinder him from using, exercising, and carrying on the said trade and business of a common brewer in as full, ample, and beneficial a manner as he was used and accustomed to do, to wit, at the parish aforesaid, in the county aforesaid, to the great damage, impoverishment, injury, and oppression of the said Richard Meux, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity : which said indictment our said lord the king afterwards, for certain reasons, caused to be brought before him, to be determined according to the law and custom of England : wherefore the sheriff of the said county of Middlesex is commanded, that he do not forbear by reason of any liberty in his bailiwick, but that he cause them to come to answer to our said lord the king touching and concerning the premises aforesaid : And now, that is to say, on Wednesday next after the octave of Saint Hilary, in this same term, before our said lord the king at Westminster, come the said John Rogers Morgan, Charles Easley, Joseph Lawrence, and Richard Dale, by Robert Belt their clerk in court ; and having heard the said indictment read, they severally say, that they are not guilty thereof ; and hereupon they severally put themselves upon the country ; and James Templer, esquire, coroner, and attorney of our said lord the king in the court of our said lord the king before the king himself, who for our said lord the king in this behalf prosecuteth, doth the like.

5th Count, generally to prevent carrying on the trade in so beneficial manner, &c.

Removed by
cartonari.
V. nira.

Issue by the
king's counsel.

Indictment for
a conspiracy to
take a house of
20l. *per annum*
for a pauper in
another parish,
to settle him
there.

MIDDLESEX, *ff.* The jurors for our sovereign lord the king, upon their oath present, that W. L. late of the parish of Saint Martin in the Fields, in the county of M. oilman, and Sarah S. late of the same place, spinster, being evil-disposed persons, and devising and intending to injure and aggrieve the inhabitants of the said parish, and unjustly to charge them with the maintenance, care, and support of one R. H. a poor person, Ann the wife of the said R. H. and James the infant child of the said R. and A. (they the said R. H. Ann H. and James H. being legally settled in the parish of Saint Mary M. in the city of London), they the said defendants, on the day of , in the seventeenth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. at the parish of Saint Martin in the Fields, in the said county of M. wrongfully, wickedly, and injuriously did *conspire*, combine, confederate, and agree, unjustly to charge the inhabitants of the said parish of Saint Martin in the Fields, in the said county of M. with the maintenance of the said paupers (being poor persons, and unable to maintain themselves), and unjustly to put the inhabitants of the said parish of Saint Martin in the Fields, to great expence for maintenance in relief of the said paupers (being such poor persons as aforesaid, and not having any legal settlement in the said parish of Saint Martin in the Fields, in the said county of M.) they the said defendants, according to the said confederacy, combination, conspiracy, and agreement aforesaid, afterwards, to wit, on the said day and year aforesaid, at the parish last aforesaid, in the county of M. aforesaid, well knowing the said (paupers) to be such poor persons, and unable to maintain themselves as aforesaid, and to be legally in the parish of Saint Mary M. in L. aforesaid, and to be relievable by the said parish of Saint Mary M. aforesaid, *unlawfully and unjustly did agree to take an house*, of the yearly value of twenty pounds, for the said R. H. situate in Church Lane, in the parish of Saint Martin in the Fields, in the said county of M. with intent that they the said (paupers) should fraudulently and colourably gain a settlement in the said parish of Saint Martin in the Fields; and the said defendants in further pursuance of, and according to the confederacy, combination, and agreement between them as aforesaid, she the said Sarah S. did agree to see the rent of such house to be taken in the said parish of Saint Martin in the Fields paid, and they the said W. L. should give the said R. H. a good character, and should inform, and did afterwards inform the landlord of such house, that he the said W. L. knew the said R. H. and Ann H. and that they were true, honest, industrious people, and that such landlord need not be in any fear of his rent. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said (paupers) afterwards, to wit, on the said day and year aforesaid, at the parish of Saint Martin in the Fields, in the county aforesaid, unlawfully and unjustly did procure the said R. H. (so being such poor person as aforesaid, and so being settled in and

chargeable to the parish of Saint Mary M.) to take rent, inhabit, and dwell in the aforesaid house, situate in Church-lane, in the parish of Saint Martin in the Fields aforesaid, with intent that they the said (paupers) should then and there unlawfully, fraudulently, and injuriously gain a settlement in the said parish of Saint Martin in the Fields, *by means whereof the said inhabitants of the said parish of Saint Martin in the Fields were obliged to expend and lay out, and did necessarily expend and lay out the sum of pounds in relieving and maintaining the said (paupers)*, to the great damage of the inhabitants of the said parish of Saint Martin in the Fields in the county aforesaid, to the evil example of all others in the like case offending, and against the peace of our sovereign lord the king, his crown and dignity.

See third volume of Burn's Justice, for the conspiracy, without any other title, Poor—Settlement by Marriage—*act done*: Rex v. Kimberky and Mary and 8. Mod. 321. This indictment lies North. 1. Lev. 62. 9. Co. 56. b.

In the King's Bench.

MIDDLESEX, *ff.* The jurors for our lord the now king, upon Indictment for a conspiracy by several workmen in the art of a smith, to lessen the time of working, (viz. one hour in the day), and to compel their masters to pay for the usual day's work.

their oath present, that Thomas Lyons, late of the parish of Saint Clement Danes, in the county of Middlesex, labourer; Thomas Blackman, late of the same place, &c.; John Much, late of the same place, labourer; William Newton, late of the same place, &c.; and Peter Carthey, late of the same place, labourer; being artificers, workmen and labourers in the art or occupation of a smith, and employed as such artificers, workmen and labourers in the said art and occupation of a smith, and not being content to work and labour in that art and occupation by the usual number of hours in each day, and at the usual rates and wages for which they and other artificers, workmen and labourers in the said art or occupation were used, and had been accustomed to work and labour, but devising and intending to lessen and diminish one hour in each day's work, and to compel their respective masters and employers for the time being to pay them the said Thomas Lyons, T. B. J. M. W. N. and P. C. the same price for each day's work so diminished by one hour, as if they had worked the usual number of hours in each day, and thereby to enhance the price of the wages of themselves and other artificers, workmen and labourers in the same art or occupation, on the twenty-eighth day of July, in the twenty-seventh year of the reign of our sovereign lord George the Third, king of Great Britain, &c. with force and arms, at the parish aforesaid, in the county aforesaid, did unlawfully conspire, combine, confederate, and agree together, to take, lessen and diminish one hour in each day, from the usual number of hours which they and other artificers, workmen and labourers in the aforesaid art and occupation were used, and had been accustomed to work and labour, and to compel their respective masters and employers for the time being, in the said art and occupation, to

Vol. IV. I pay

2d Count, to
work only
twelve instead
of thirteen hours
per day.

pay them the said T. L. T. B. J. M. W. N. and P. C. the same price for each day's work so diminished by one hour as if they had worked the usual number of hours in each day, and thereby to enhance and augment the price of the wages of themselves and other artificers, workmen and labourers in the same art and occupation; and that in pursuance of the said unlawful conspiracy, combination, confederacy, and agreement between them the said T. L. T. B. J. M. W. N. and P. C. so as aforesaid, they the said T. L. &c. then and there unlawfully and corruptly did conspire, combine, confederate and agree together, that they and each and every of them would not work and labour for any master or masters in the aforesaid art and occupation, but at the rate of one hour less in each respective day than the usual number of hours which they and other artificers, workmen and labourers in the same art and occupation had been before accustomed to work and labour; and that they the said T. L. &c. and each and every of them would compel their respective masters and employers for the time being to pay to them the same price for each respective day's work as if they had worked the usual number of hours in each day, and thereby enhance and augment the price of the wages of themselves and other artificers, workmen and labourers in the said art and occupation, to the great damage and oppression of divers of the liege subjects of our said lord the king, carrying on, managing, and transacting the same art and occupation of a smith, in contempt of our said lord the king and his laws, to the evil example of others, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said T. L. &c. &c. being artificers, workmen and labourers in the art and occupation of a smith, and employed as such artificers, workmen and labourers in the said art and occupation of a smith, and not being content to work and labour in that art and occupation by the usual number of hours in each day (being thirteen hours in each day), which they and other artificers, workmen and labourers in the said art and occupation were used, and had been accustomed to work and labour; but devising, designing, and intending to lessen the usual time of work in the same art and occupation one hour in each day, and to compel the masters and employers of them the said T. L. &c. respectively for the time being, to pay them the said T. L. &c. the same price as if they had worked the usual number of thirteen hours in each day, and thereby augment the price of the wages of themselves and other artificers, workmen and labourers in the same art and occupation, on the said twenty-eighth day of July, in the twenty-seventh year aforesaid, with force and arms at the parish aforesaid, in the county aforesaid, unlawfully did conspire, combine, confederate, and agree together to lessen the usual time of work in the aforesaid art and occupation one hour in each day, and to compel the respective masters and employers of them the said T. L. &c. in the same art and occupation for the time being, to pay them the said T. L. &c. the same price as if they had worked

worked and laboured the usual number of hours, being thirteen hours in each day, and thereby to augment the wages of themselves and other artificers, workmen and labourers in the same art and occupation: and that, in pursuance of the said unlawful conspiracy, combination, confederacy, and agreement between them the said T. L. &c. so as last aforesaid, they the said T. L. &c. then and there unlawfully, and unjustly, and corruptly did conspire, combine, confederate, and agree together, that they, and each and every of them would not, nor would any or either of them work and labour any longer for any master or masters in the aforesaid art and occupation, any more than twelve hours in each respective day, the same being one hour less in each respective day than what they the said T. L. &c. and other artificers, workmen and labourers in the same art and occupation had been before used and accustomed to work and labour; and that they the said T. L. &c. &c. and each and every of them, would compel their respective masters and employers in the same art and occupation for the time being, from that time to pay them, and each of them, the same price for each respective day's work as if they had worked the usual number of thirteen hours in each respective day, to the great damage and oppression of divers liege subjects of our said lord the king, carrying on, managing, and transacting the same art and occupation, in contempt of our said lord the king and his laws, to the evil example of others, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said T. L. &c. being artificers, workmen and labourers in the said art and occupation of a smith, and not being content to work and labour in that art and occupation by the usual number of hours in each day, which they and other artificers, workmen and labourers in the said art and occupation were used and had been accustomed to work and labour; but devising, and intending to lessen and diminish one hour in each day's work, on the said twenty-eighth day of July, in the twenty-seventh year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully did conspire, combine, confederate and agree together, to take, lessen, and diminish one hour in each day from the usual number of hours which they and other artificers, workmen and labourers in the aforesaid art and occupation were used and had been accustomed to work and labour; and that, in pursuance of the said unlawful conspiracy, combination, confederacy, and agreement between them the said T. L. &c. &c. so as last aforesaid had, they the said T. L. &c. &c. then and there unlawfully, unjustly, and corruptly did conspire, combine, confederate, and agree together, that they and each and every of them would not work and labour any longer in the aforesaid art and occupation, but at the rate of one hour less in each respective day than the usual number of hours, which they and other artificers, workmen and labourers in the same art and occupation, had been before used and accustomed to work and labour, to the great damage and oppression of divers of the liege subjects of our said lord the king, carrying on, managing, and

3d Count, not to work the usual number of hours.

4th Count, like
the last. to the
great damage of
divers masters,
&c.

and transacting the same art and occupation, in contempt of our said lord the king and his laws, to the evil example of others, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said T. L. &c. &c. being artificers, workmen and labourers in the art and occupation of a smith, and not being content to work and labour in that art and occupation by the usual number of hours in each day, which they and other artificers, workmen and labourers in the said art and occupation, were used and had been accustomed to work and labour; but devising, designing, and intending to lessen the usual time of work in each day in the same art and occupation, on the said twenty-eighth day of July, in the twenty-seventh year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully did conspire, combine, confederate, and agree together to lessen the usual time of work in the aforesaid art and occupation in each day, to the great damage and oppression of divers masters in, &c. and other the liege subjects of our said lord the king, carrying on, managing, and transacting the same art and occupation, in contempt of our said lord the king and his laws, to the evil example of others, and against the peace of our said lord the king, his crown and dignity.

Presentment at
the assizes at
Croydon by the
grand jury of
Lord William
Murray and o-
thers, for a con-
spiracy to effect
their escape out
of the king's
bench prison,
where they were
confined for
debt.

SURRY, to wit. Be it remembered, that at the general session of oyer and terminer of our lord the king, holden at Croydon, in and for the county of Surry, on Monday the twenty-second day of July, in the thirty-third year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. before the Honourable Sir Henry Gould, knight, one of the justices of our said lord the king of his court of common pleas, the Honourable Sir Francis Buller, baronet, one of the justices of our said lord the king, assigned to hold pleas before the king himself, and others their fellow-justices of our said lord the king, assigned by letters patent of our said lord the king, under the great seal of Great Britain, to the said Sir Henry Gould, knight, Sir Francis Buller, and others their fellow-justices of our said lord the king, and to any two or more of them directed, of whom one of them the said Sir H. Gould and Sir F. Buller, amongst others in the said letters patent named, our said lord the king willed to be one, to enquire more fully the truth by the oath of good and lawful men of the said county, and by other ways, means, and methods by which they should or might the better know, as well within liberties as without, by whom the truth of the matter may be the better known and enquired into, of all treasons, misprision of treason, insurrections, rebellions, counterfeiting, clippings, washing, false coinings, and all other falsities of the money of Great Britain, and other kingdoms and dominions whatsoever, and of all murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, assemblies, misprisions, confederacies, false allegations, trespasses,

riots

riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, champerties, deceits, and all other evil doings, offences, and injuries whatsoever; and also the accessaries of them, within the county aforesaid, as well within liberties as without, by whomsoever, and in what manner soever done, committed or perpetrated, and by whom or to whom, when, how, and after what manner, and of all other articles and circumstances concerning the premises, and every of them, or any of them, in any manner whatsoever; and the said treasons and other the premises according to the laws and customs of England, for this time, to hear and determine by the oath of twelve jurors, good and lawful men of the county aforesaid, now here sworn and charged to enquire for our said lord the king for the body of the said county: It is presented in manner and form as followeth, that is to say, Surry, to wit, The jurors for our said lord the king, upon their oath present, that William Murray, late of the parish of Saint George the Martyr, in the said county of Surry, esquire, commonly called Lord William Murray; James Jackson, late of the same place, Surgeon; Robert Thomas Crosfield, late of the same place, surgeon; and William Stabler, of the same place, gentleman; at the time hereinafter next mentioned, were persons lawfully confined in the king's bench prison, situate and being in the parish aforesaid, in the county of Surry aforesaid, being then and there the prison of the Marshalsea of our said lord the king, before the king himself, and then and there detained in the custody of the marshal of the said prison, that is to say, the said W. Murray being then and there lawfully detained in the custody of the said marshal of the said prison for divers large sums of money, amounting in the whole to a certain large sum of money, to wit, the sum of two thousand pounds of lawful money, by virtue of divers processses in divers actions before those times or any of them commenced against the said William Murray and the said James Jackson, being then and there lawfully detained in the custody of the said marshal of the said prison, for divers large sums of money, to wit, the sum of three hundred pounds of lawful money of Great Britain, by virtue of divers processses in divers actions before those times or any of them commenced against him the said James Jackson, and the said R. T. Crosfield, being then and there lawfully detained in the custody of the said marshal of the said prison, for divers large sums of money, amounting in the whole to a certain large sum of money, to wit, two hundred pounds of lawful money of Great Britain, by virtue of divers processses in divers actions before those times or any of them commenced, against him the said R. T. Crosfield and the said William Stabler, being then and there detained in the custody of the said marshal of the said prison for divers large sums of money, amounting in the whole to a certain large sum of money, to wit, the sum of two thousand pounds of lawful money of Great Britain, by virtue of divers actions before those times or any of them commenced against him the said William Stabler; and the said defendants being persons of

The indictment.

dangerous and wicked dispositions, and wickedly and unlawfully minding, contriving, and intending as much as in them lay to effect the escape of themselves the said defendants, then and there prisoners lawfully confined in the said prison, and in the custody of the said marshal of the said prison, from and out of the said prison, on the third day of July, in the twenty-third year of the reign of our lord the now king, with force and arms, at the parish aforesaid, in the said county of Surry, did combine, conspire, confederate, assemble, and agree amongst themselves unlawfully to effect the escape of themselves the said defendants, and the said other prisoners then so confined, and in the custody of the marshal of the said prison from and out of the said prison, to wit, at the parish aforesaid, in the county aforesaid, in contempt of our said lord the king and his laws, to the evil example of all others in like case offending, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, further say, that the said defendants before and at the time herein next mentioned, were such prisoners lawfully confined in the said prison, and detained in the custody of the marshal of the said prison as last aforesaid; and that they the said defendants being persons of dangerous and wicked dispositions, and wickedly minding, contriving and intending to effect the escape of themselves the said defendants then and there prisoners lawfully confined in the said prison, and in the custody of the said marshal of the said prison, from and out of the said prison, afterwards, to wit, on the same day and year last aforesaid, with force and arms, at the parish aforesaid, in the said county of Surry, did unlawfully combine, conspire, confederate, and agree amongst themselves to escape from and out of the said prison, to wit, at the parish aforesaid, in the county aforesaid, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our lord the king, his crown and dignity.

ad Count, to effect their own escape only.

Warrant by the chief justice of England to apprehend persons charged with a conspiracy to blow up the walls of king's bench prison, and effect their escape.

ENGLAND, to wit. Whereas it is certified to me by one of the clerks in the crown office, that by virtue of his majesty's writ of *certiorari*, an indictment was returned in his said majesty's court of king's bench, at Westminster, as of Trinity term last, against the reverend Richard Burgh, late of the parish of Saint George the Martyr, in the county of Surry, clerk; James Davies, late of the same place, gentleman; John Cummings, late of the same place, esquire; Thomas Townley Macan, late of the same place, esquire; and John Brown, late of the same place, gentleman; for certain trespasses, contempts, conspiracies, and misdemeanors; for that they being persons lawfully confined in the king's bench prison, and detained in the custody of the marshal of the said prison for divers large sums of money, unlawfully did conspire, combine, confederate, and agree amongst themselves to break down, demolish, prostrate, and destroy part of the wall belonging to and inclosing the said prison, and thereby to effect the escape

CONSPIRACY.—WARRANT TO APPREHEND.

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escape of themselves, and divers other persons then lawfully confined in the said prison, in the custody of the marshal of the said prison, from and out of the said prison; and, in pursuance of such conspiracy, unlawfully bringing and introducing a certain wooden box, and large quantities of gunpowder, with intent to have placed part of the same in a certain sewer under the said wall, and the other part thereof in the lobby or entrance of the said prison, with intent to set fire to the said gunpowder, and thereby blow up and destroy the said part of the said wall of the said prison, and the walls and doors of the said lobby, and by that means to effect their escape from the said prison; to which said indictment the said Richard Burgh, James Davies, John Cumming, Thomas T. Macan, and John Brown, have not, nor hath either of them appeared. These are therefore to will and require, and in his majesty's name strictly to charge and command you, and every of you, on sight hereof, to apprehend and take the bodies of the said Rich. Burgh, James D. J. C. T. T. M. and J. B. and bring them before me, or one other of the judges of his majesty's court of king's bench, if taken in or near the cities of London or Westminster; if elsewhere, before some justice of the peace near to the place where they shall be herewith taken, to the end that they may severally become bound with sufficient securities for their respective appearance in his majesty's court of king's bench at Westminster, and to plead within the first eight days of next term to the said indictment, and to try the same at the next assizes to be held after the same term in and for the county of Surry, and personally to appear in the same court on the return of the *posse*, in case they should be convicted, and to be further dealt with according to law. Hereof fail not, at your peril. Given under my hand and seal, the fourteenth day of July 1792.

To William Jones, esquire,
marshal of the Marshalsea;
To George Wilkinson, gentleman, my tipstaff;
And to all chief and petty constables, head-boroughs, and tything-men; and to all others whom these may concern.

KENYON.

I do hereby certify the above to be a true copy of the original warrant filed with me the 14th day of July 1792.

W. BRYANT,
Clerk of the papers of the king's bench prison.—18th July 1793.

Indictment a-
gainst the la-
bouring curriers
for conspiring to
raise their wa-
ges.

MIDDLESEX, to wit. The jurors, &c. that A. B. &c. late of, &c. C. D. late of, &c. E. F. late of, &c. being artificers, workmen, and labourers in the art and occupation of a currier, and not being content to work and labour in that art and occupation at the usual prices and rates for which they and other artificers, workmen, and labourers in the same art and occupation were used and accustomed to work and labour, but contriving and intending unjustly and oppressively to increase and augment the prices and rates usually paid and allowed to them and other artificers, workmen, and labourers in the said art and occupation, and unjustly to exact and procure great sums of money for their work and labour in the said art and occupation, &c. with force and arms at, &c. unlawfully did combine, conspire, confederate, and agree together that they the said A. B. &c. or any of them would not, nor should work and labour in the said art and occupation, but at certain large prices and rates, which they the said A. B. &c. then and there fixed and insisted on, being paid for their future work and labour in the said art and occupation, for and upon, and in respect of certain particular sorts of work and labour in the said art and occupation, that is to say, for currying all calf-skins under twenty-eight pounds weight per dozen, three shillings and six pence, and four shillings black, &c. &c. which said several rates and prices, which were so as aforesaid fixed and insisted on by the said A. B. &c. were at the time of their being so fixed and insisted on by them the said A. B. &c. more than the several and respective prices and rates which had been and which were then used and accustomed to be paid and allowed to them the said A. B. &c. and other artificers, workmen, and labourers employed in the said art and occupation of a currier, for and upon, and in respect of the said particular and respective sorts of work and labour, for and upon, and in respect of which the same were so respectively fixed and insisted upon by the said A. B. &c. as aforesaid; to the great damage, hurt, injury, and prejudice of the liege subjects of our said lord the king carrying on, managing, and transacting the same art and occupation of a currier, in contempt of our said lord the king and his laws, to the evil example of others, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. &c. being artificers, workmen, and labourers in the said art and occupation of a currier, and not being content to work and labour in that art and occupation at the usual prices and rates for which they and other artificers, workmen, and labourers in the same art and occupation were used and accustomed to work and labour; but contriving and intending unjustly and oppressively to increase and augment the prices and rates usually paid and allowed to them and other artificers, workmen, and labourers in the said art and occupation, and unjustly to exact and procure great sums of money for their work and labour, on the said tenth day of August, in the thirty-second year aforesaid, with force and arms, at the parish of Saint Ann, within the liberty of Westminster, in the county

And Count, for
persuading not
to work but at
a much larger
price which they
fixed and insiste
ed upon.

county of Middlesex aforesaid, unlawfully did combine, conspire, confederate and agree together, that the said A. B. &c. or any of them would not, nor should, and also that they the said A. B. &c. and each and every of them should and would endeavour to persuade other artificers, workmen, and labourers in the said art and occupation to refuse to work and labour in the said art and occupation, but at certain large prices and rates which they the said A. B. &c. then and there fixed and insisted on being paid for their future work and labour in the said art and occupation, for and upon and in respect of certain particular sorts of work and labour, in the said art and occupation, that is to say, for, &c. (here insert the prices again); which said several rates and prices, which were so as last aforesaid fixed and insisted on by the said A. B. &c. were at the time of their being so fixed and insisted on by them the said A. B. &c. more than the several and respective prices and rates which had been, and which were used and accustomed to be paid and allowed to them the said A. B. &c. and other artificers, workmen, and labourers employed in the said art and occupation of a currier, for and upon and in respect of the said several and respective sorts of work and labour for, upon, and in respect of which the same were so respectively fixed and insisted upon by the said A. B. &c. as last aforesaid, to the great damage, hurt, injury, and prejudice of the liege subjects of our said lord the king carrying on, managing, and transacting the same art and occupation of a currier, in contempt of our said lord the king and his laws, to the evil example of others, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. &c. being artificers, workmen, and labourers in the said art and occupation of a currier, and not being content to work and labour in that art and occupation at the usual prices and rates for which they and other artificers, workmen, and labourers in the same art and occupation, were used and accustomed to work and labour; but contriving, and intending unjustly and oppressively to increase, and augment the prices and rates usually paid and allowed to them and other artificers, workmen, and labourers in the said art and occupation, and unjustly to exact and procure great sums of money for their work and labour in the said art and occupation, they the said A. B. &c. together with divers other artificers, workmen, and labourers in the said art and occupation, whose names are to the jurors aforesaid unknown, on the said tenth day of August, in the thirty-second year aforesaid, with force and arms, at the said parish of Saint Ann, within the liberty of Westminster, in the county of Middlesex aforesaid, unlawfully did combine, conspire, confederate, and agree together, that they the said A. B. &c. and the aforesaid other conspirators so to the jurors aforesaid unknown, then and there fixed and insisted on being paid for their future work and labour in the said art and occupation, for and upon, and in respect of certain particular sorts of work and labour in the said art and occupation, that is to say (here set forth the prices again);

which

sd Count, not working at the usual rates, but, &c.

4th Count, entering into subscriptions for the support of those (and their families) who did refuse to work.

which said several rates and prices which were so as last aforesaid fixed and insisted on, were at the time of their being so fixed and insisted on more than the several and respective rates and prices which had been, and which were then used and accustomed to be paid and allowed to artificers, workmen, and labourers employed in the said art and occupation, for and upon, and in respect of the said several and respective sorts of work and labour, for and upon, and in respect of which, the same were so respectively fixed and insisted upon, as last aforesaid. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. &c. and the said other conspirators whose names are so as aforesaid unknown, having so as aforesaid entered into such combination and conspiracy as last aforesaid, they the said A. B. &c. on the said tenth day of August, in the thirty-second year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, did unlawfully combine, conspire, confederate and agree together, that they the said A. B. &c. would by means of subscriptions and contributions from other artificers, workmen, and labourers in the said art and occupation of a currier, raise money for the relief and support of them the said A. B. &c. and the said other conspirators, whose names are so as aforesaid unknown, and their respective families, who should so refuse to work, but at such large and advanced rates and prices as last aforesaid, whilst they should respectively be out of work or unemployed in the said art and occupation of a currier: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. &c. having so entered into such combination and conspiracy as last aforesaid, they the said A. B. &c. in order to render such last combination and conspiracy the more effectual, and to attain the aforesaid object thereof, on the said tenth day of August, in the thirty-second year aforesaid, at the parish aforesaid, in the county aforesaid, did publish, and cause and procure to be published a certain paper writing, whereby certain artificers, workmen, and labourers in the said art and occupation of a currier were solicited and requested to subscribe and contribute money for the relief and support of the said A. B. &c. and the said other conspirators, whose names are so as aforesaid unknown, and who should respectively refuse to work but at such large and advanced prices as last aforesaid, and their respective families whilst they should respectively be out of work and unemployed in the said art and occupation of a currier, to the great damage, injury, and prejudice of the liege subjects of our said lord the king carrying on, managing, and transacting the same art and occupation of a currier; in contempt of our said lord the king and his laws, to the evil example of others, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that on the said tenth day of August, in the thirty-second year aforesaid, at the parish aforesaid, in the county aforesaid, a certain other unlawful combination and conspiracy had been and was formed and entered into by and between certain artificers,

5th Count, for refusing to work except at certain fixed larger prices and rates and entering into subscriptions, &c.

artificers, workmen, and labourers in the said art and occupation of a currier, whose names are to the jurors aforesaid unknown, whereby the said last-mentioned conspirators did unlawfully combine, conspire, confederate, and agree together, that they or any of them would not, nor should work and labour in the said art and occupation but at certain large prices and rates, for and in respect of certain particular sorts of work and labour in the said art and occupation (that is to say), for, &c. (here set forth the prices again), which said several last-mentioned rates and prices were then and there more than the several and respective rates and prices which had been, and which were then used and accustomed to be paid and allowed to artificers, workmen, and labourers employed in the said art and occupation, for and in respect of such several and respective sorts of work and labour as last aforesaid: And the jurors aforesaid, upon their oath aforesaid, do further present, that such combination and conspiracy as last aforesaid having been so entered into as aforesaid, and the said A. B. &c. being artificers, workmen, and labourers in the said art and occupation of a currier aforesaid, contriving and intending to encourage and promote the said last-mentioned combination and conspiracy, and to increase and extend the same, they the said A. B. &c. in order to encourage and promote the said last-mentioned combination and conspiracy, and to increase and extend the same, on the said tenth day of August, in the thirty-second year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, did unlawfully combine, conspire, confederate, and agree together, that they the said A. B. &c. would by means of subscriptions and contributions from artificers, workmen, and labourers in the said art and occupation of a currier raise money for the relief and support of such artificers, workmen, and labourers in the said art and occupation and their respective families, as should refuse to work and labour in the said art and occupation but at such large and advanced rates and prices as last aforesaid, whilst they should respectively be out of work or unemployed in the said art and occupation, to the great damage, injury, and prejudice of the liege subjects of our said lord the king carrying on, managing, and transacting the same art and occupation of a currier, in contempt of our said lord the king and his laws, to the evil example of all others, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. B. &c. being artificers, workmen, and labourers in the said art and occupation of a currier, and not being content to work and labour in that art and occupation at the usual prices and rates for which they and other artificers, workmen, and labourers were used and accustomed to work and labour, but contriving, and intending unjustly and oppressively to increase and augment the prices and rates usually paid and allowed to them and other artificers, workmen, and labourers in the said art and occupation, and unjustly to exact and procure great sums of money for their work and

6th Count, for not working at usual rates, but exacting, &c.

and labour in the said art and occupation, on the said tenth day of August, in the thirty-second year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully did combine, conspire, confederate and agree together, that they the said A. B. &c. and each of them would not work and labour in the said art and occupation at the usual and accustomed prices and rates which were then and there paid and allowed to them and such other artificers, workmen, and labourers in the said art and occupation for their work and labour, but at greater prices and rates than were then usually paid and allowed to them and such other artificers, workmen, and labourers in the said art and occupation for their work and labour; to the great damage, injury, and prejudice of the liege subjects of our said lord the king carrying on, managing, and transacting the same art and occupation of a currier, in contempt of our said lord the king and his laws, to the evil example of all others, and against the peace of our said lord the king, his crown and dignity.

Record of an indictment at the quarter sessions for a conspiracy to bring a pauper to lodge in the parish as an inmate, who was with child, not having any settlement there, whereby she became chargeable.

SOME time ago, that is to say, on Tuesday in the week next after the close of Easter, to wit, on the twelfth day of April, in the third year of the reign of our sovereign lord George the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. at the general quarter sessions of the peace of our lord the king, holden at Maidstone, in and for the county of Kent, before Charles W. &c. &c. (naming them), Sir T. R. knight, J. C. J. T. doctors in divinity, P. C. clerk, and others their associates, justices of our said lord the king assigned to keep the peace of our said lord the king in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the same county perpetrated, upon the oath of twelve jurors good and lawful men of the said county, then and there impanelled, sworn, and charged to enquire for our said lord the king, for the body of the said county; it was *presented* as followeth, that is to say, Kent. The jurors for our lord the king, upon their oath present, that John Rattling, late of the parish of Hunton, in the county of Kent, gentleman, and Edward Kirton the younger, late of the parish of Yalding, in the same county, husbandman, devising and intending the inhabitants of the said parish of Y. with the maintenance of one Sarah Whitney, and of a certain bastard child, with which the said Sarah was then pregnant, unjustly to charge and burthen, on the twentieth day of August, in the first year of the reign of our sovereign lord George the Third, king of Great Britain, &c. at the parish of H. aforesaid, in the county aforesaid, did conspire, combine, and agree together, that he the said Edward Kirton, on the same day and year, at the parish of Y. aforesaid, in the county aforesaid, in the dwelling-house of the said Edward Kirton there situate, unlawfully should receive and lodge as an inmate the said Sarah Whitney, so being pregnant with a bastard child as aforesaid, and

and also being poor and unable to maintain herself, and not having any legal settlement in the said parish of Y. ; and the jurors aforesaid, upon their oath aforesaid, do further present, that the said Edward Kirton, in pursuance of the said conspiracy, combination, and agreement, afterwards, to wit, on the same day and year above-mentioned, at Y. aforesaid, in the county aforesaid, in the dwelling-house of him the said Edward Kirton there situate, unlawfully did receive and lodge as an inmate the said Sarah Whitney, so being pregnant with a bastard child as aforesaid, also being poor and unable to maintain herself, and not having any legal settlement in the said parish of Y. and that he the said E. Kirton in further pursuance of the same conspiracy, combination, and agreement, her the said Sarah Whitney an inmate in the same dwelling-house in the same parish and county, from the said twentieth day of August, in the year aforesaid, until the tenth day of October, in the year aforesaid, unlawfully did continue ; during which time, to wit, on the twentieth day of August, in the year aforesaid, the said Sarah Whitney, in the said parish and county, did bring forth a female bastard child, and the inhabitants of the same parish have during the time aforesaid been thereby compelled to expend divers sums of money, amounting in the whole to the sum of three pounds, in the relief and maintenance of the said S. Whitney and her bastard child, to the great damage of the inhabitants of the said parish of Y. to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

SURREY, ff. The jurors for our lord the king upon their oath present, that before the day of taking this inquisition, to wit, at the general *sessions of oyer and terminer* of our lord the king, holden at Croydod, in and for the county of Surry, on *Thursday the eighteenth day of August, in the thirty-first year of the reign of our sovereign lord George the Third, now king of Great Britain*, and so forth, before Sir Henry Gould, knight (since deceased), one of the justices of our said lord the king of his court of common pleas, Sir John Wilson, knight (also since deceased), one other of the justices of our said lord the king of his said court of common pleas, and others their fellows, justices of our said lord the king, assigned by letters patent of our said lord the king, under the great seal of Great Britain, to the said Sir Henry Gould, Sir John Wilson, and others their fellow justices of our said lord the king, and to any two or more of them directed, or whom one of them, the said Sir Henry Gould and Sir John Wilson, amongst others in the said letters patent named, our said lord the king willed to be one, to enquire more fully the truth by the oath of good and lawful men of the said county, and by other ways, means, and methods by which they should or might better know as well within the liberties as without, by whom the truth of the matter might be the better known and enquired into of all treasons, misprisions

Indictment against justices of the peace for falsely certifying on an indictment against inhabitants of a parish, for not repairing highway, to a judge of assize, *that the road was in repair, which in fact was out of repair, at the time of producing the certificate.*

misprisions of treasons, insurrections, rebellions, counterfeitings, clippings, washings, false coinings, and all other falsities of the money of Great Britain, and other kingdoms or dominions whatsoever, and of all murders, felonies, manslughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, assemblies, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, champarties, deceits, and all other evil doings, offences, and injuries whatsoever, and also the accessaries of them within the county aforesaid, as well within liberties as without, by whomsoever, and in what manner soever done, committed, or perpetrated, and by whom or to whom, when, how, and after what manner, and of all other articles and circumstances concerning the premises and every of them or any of them in any manner whatsoever, and the said treasons, and other the premises according to the laws and customs of England, for that time to hear and determine, *a certain bill of indictment was preferred and found against the inhabitants of the parish of Windlesham, in the said county of Surry, for not repairing certain parts of a certain common king's highway leading from the said parish of Windlesham, in the said county of Surry, towards and unto the said parish of Cobham, in the said county, that is to say, a certain part of the said highway called Rye Grove-lane, situate, lying, and being in the said parish of Windlesham, in the said county of Surry, and a certain other part of the said highway, also situate, lying, and being in the said parish of Windlesham, in the said county of Surry, and bounded at one extremity by the said lane, called Rye Grove-lane, and at the other extremity by a lane called Thornton-lane, in the said parish of Windlesham, in the said county of Surry, and which said parts of the highway were in and by the said indictment charged and alledged to be and before and at the time of preferring and finding the said bill of indictment were respectively ruinous, miry, deep, broken, and in decay for want of due reparation and amendment of the same: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, at the next general sessions of oyer and terminer of our said lord the king, holden at Kingston upon Thames, in and for the said county of Surry, on Wednesday the twenty-first day of March, in the thirty-second year of the reign of our said lord the king, before the above named Sir Henry Gould, Sir Beaumont Hotham, knight, one of the barons of our said lord the king of his court of exchequer, and others their fellows, justices of our said lord the king, assigned by letters patent of our said lord the king, under the great seal of Great Britain, to the said Sir Henry Gould, Sir Beaumont Hotham and others, their fellow justices of our said lord the king, and to any two or more of them directed, of whom one of them the said Sir Henry Gould, Sir Beaumont Hotham, amongst others in the said letters patent named, our said lord the king willed to be one, to enquire more fully the truth, by the oath of good and lawful*

A bill of indictment was preferred against the inhabitants of the parish of Windlesham, for not repairing certain parts of a highway, leading from that parish to the parish of Cobham.

That at the subsequent assizes, holden on Wednesday, 21st March, 32, G. 3.

lawful men of the said county, and by other ways, means, and methods by which they should or might better know, as well within liberties as without, by whom the truth of the matter might be the better known and enquired into, of all treasons, misprisions of treasons, insurrections, rebellions, counterfeittings, clippings, washings, false coinings, and all other falsities of the money of Great Britain, and other kingdoms or dominions whatsoever, and of all murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, assemblies, misprisions, confederacies and false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, champarties, deceits, and all other evil doings, offences, and injuries whatsoever, and also the accessaries of them within the county aforesaid, as well within liberties as without, by whomsoever, and in what manner soever done, committed, or perpetrated, and by whom, or to whom, when, how, and after what manner, and of all other articles and circumstances concerning the premises, and every of them, in any manner whatsoever, and the said treasons, and other the premises, according to the laws and customs of England, for that time to hear and determine, came *Henry Lee and Edward Hammond, two of the inhabitants of the said parish of Windlesham, in the said county of Surry, in the name of all the inhabitants of the said parish of Windlesham, in the said county of Surry, and having heard the said indictment read, they the said Henry Lee and Edward Hammond, in behalf of themselves and the rest of the inhabitants of the said parish of Windlesham, in the said county of Surry, said, that the inhabitants of the said parish of Windlesham, in the said county of Surry, were not guilty of the premises in the said indictment above specified, and charged on them, and of that they the said Henry Lee and Edward Hammond, in the name of all the inhabitants of the said parish of Windlesham, in the said county of Surry, put themselves upon the country; and William Gould, esquire, clerk of the crown and clerk of the assizes for the said county of Surry, who prosecuted for our said lord the king in that behalf, did the like. And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, at the next general session of oyer and terminer of our said lord the king, holden at Guildford, in and for the said county of Surry, on Wednesday the eighth day of August, in the said thirty-second year of the reign of our said lord the king, before the above-named Sir Henry Gould, Sir Nash Grose, knight, one of the justices of our said lord the king, assigned to hold pleas before the king himself, and others their fellows, justices of our said lord the king, assigned by letters patent of our said lord the king under the great seal of Great Britain, to the said Sir Henry Gould, Sir Nash Grose, and others their fellows, justices of our said lord the king, and to any two or more of them directed, of whom one of them the said Sir H. Gould and Sir Nash Grose, amongst others in the said letters patent named, our said lord the king willed to be*

Two of the inhabitants pleaded not guilty.

But at the next assizes holden on 8th August, 32 Geo. 3.

one,

one, to enquire more fully the truth, by the oath of good and lawful men of the said county, and by other ways and means and methods by which they should or might better know, as well within liberties as without, by whom the truth of the matter might be the better known and enquired into, of all treasons, misprisions of treasons, insurrections, rebellions, counterfeittings, clippings, washings, false coinings, and all other falsities of the money of Great Britain, and other kingdoms or dominions whatsoever, and of all murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, assemblies, misprisions, confederacies, and false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, champarties, deceits, and all other evil doings, offences, and injuries whatsoever, and also the accessaries of them within the county aforesaid, as well within liberties as without, by whomsoever and in what manner soever done, committed, or perpetrated, and by whom or to whom, when, how, and after what manner, and of all other articles and circumstances concerning the premises, and every of them, or any of them, in any manner whatsoever, and the said treasons and other the premises, according to the laws and customs of England, for that time to hear and determine, came as well the said William Gould, who prosecuted for our said lord the king in that behalf, as the said Henry Lee and Edward Hammond, in behalf of themselves and the rest of the inhabitants of the said parish of Windlesham, in the said county of Surry, then there, *praying leave of the court there to withdraw their said plea of not guilty* above pleaded to the said indictment, in the name of all the inhabitants of the said parish of Windlesham, in the said county of Surry; and all and singular the premises being seen, and by the court there fully understood, it was considered by the said court there, that the said plea of not guilty above pleaded to the said indictment by the said Henry Lee and Edward Hammond, in behalf of themselves and the rest of the inhabitants of the said parish of Windlesham, in the said county of Surry, in the name of all the inhabitants of the said parish of Windlesham, in the said county of

Plea of not guilty was withdrawn, and that of guilty pleaded in lieu of it.

And thereupon the court proceeded to an inquiry into the state of the road preparatory to giving judgment.

Surry, should be withdrawn, *and the same then there was withdrawn accordingly* : Whereupon the said Henry Lee and Edward Hammond, in behalf of themselves and the rest of the inhabitants of the said parish of Windlesham, in the said county of Surry, then and there said, that the inhabitants of the said parish of Windlesham, in the said county of Surry, were guilty of the premises in the indictment aforesaid above specified and charged on them, in manner and form as in and by the said indictment it was supposed against them : and thereupon afterwards, at the same session of oyer and terminer so holden as last aforesaid, and because the said court was not yet advised of giving judgment of and upon the premises, the said last-mentioned court proceeded to enquire, and a

certain

certain enquiry then and there took place, and was thereupon made by and before the said last mentioned court, into the then state and condition of the said parts of the said highway, which by the said indictment were so alledged to be out of repair as aforesaid, the said last-mentioned court then and there having competent power and authority to make the said enquiry : And the jurors aforesaid, upon their oath aforesaid, do further present, that *Sir Joseph Mawbey*, late of the parish of Chertsey, in the said county of Surry, *baronet*, before and at the time of preferring the said bill of indictment, was, and from thence hitherto hath been, and still is one of the justices of our said lord the king, assigned to keep the peace of our said lord the king in and for the said county of Surry, and also to hear and determine divers felonies, trespasses, and other misdeeds committed in the said county, and that *the Reverend James Liptrott*, late of the parish of Egham, in the said county of Surry, *clerk*, for and during all the time last-aforesaid, was and still is one other of the justices of our said lord the king, assigned to keep the peace of our said lord the king in and for the said county of Surry, and also to hear and determine divers felonies, trespasses, and other misdeeds committed in the said county ; and that *the Reverend Edward Cooper*, late of the said parish of Windlesham, in the said county of Surry, *clerk*, and *Ralph Leicester the elder*, late of the said parish of Windlesham, in the said county of Surry, *esquire*, for and during all the time last aforesaid, were two of the inhabitants of the said parish of Windlesham, in the said county of Surry : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said bill of indictment having been so preferred and found against the said inhabitants of the said parish of Windlesham as aforesaid, and the said inhabitants having so pleaded to the said indictment as aforesaid, and the said *Sir Joseph Mawbey* and *James Liptrott*, so being such justices as aforesaid, and the said *Edward Cooper* and *Ralph Leicester*, so being two of the inhabitants of the said parish of Windlesham as aforesaid, they the said *Sir Joseph Mawbey*, *James Liptrott*, *Edward Cooper*, and *Ralph Leicester*, unlawfully and wickedly conspiring, combining, and confederating together to obstruct and pervert the due course of justice, and to deceive and impose on the said court at which such enquiry into the state and condition of the said several parts of the said highways, which by the said indictment were so alledged to be out of repair as aforesaid, was so made as aforesaid, and unjustly to have it understood and believed by the said last-mentioned court, that those parts of the said highway had been well and sufficiently repaired by the inhabitants of the said parish of Windlesham after the preferring of the said indictment and before the making of such enquiry, and that the said several parts of the said highway, at the time of the making of the said enquiry, were in good and sufficient repair, and thereby unjustly to influence in favour of the inhabitants of the said parish of Windlesham the judgement to be given upon the said indictment, after the pleading of such plea of not guilty as aforesaid to the said indictment, and before the said plea of not guilty was so withdrawn as aforesaid, and also before the

That *Sir Joseph Mawbey* and *Dr. Liptrott*, at the time of preferring indictment, were justices of the peace for the county of Surry ;

and defendants *Cooper* and *Leycester*, two of the inhabitants of the parish of W.

That intending to pervert the due course of justice, and to impose upon the court, and to have it understood that the road had been repaired,

and thereby to influence the judgement,

making of such inquiry as aforesaid, to wit, on the twenty-fourth day of July, in the thirty-second year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. with force and arms, at the said parish of Windlesham, in the said county of Surry, *unlawfully and unjustly did CONSPIRE, combine, confederate, and agree TO PRODUCE AND EXHIBIT IN EVIDENCE unto and before the said last-mentioned court, in behalf of the inhabitants of the said parish of Windlesham, at and upon the said inquiry so there made as aforesaid, a certain paper-writing, under the hands and seals of the said Sir Joseph Mawbey and James Liptrott, bearing date the twenty-fourth day of July, in the year of Our Lord 1792, AS AND FOR A TRUE CERTIFICATE in writing, by and under the hands and seals of the said Sir Joseph Mawbey and James Liptrott, as such justices as aforesaid, touching and concerning the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, and the state and condition of the same ; which said paper-writing was and is to the tenor and effect following :* “ Surry, to wit. We, two of

24th July 1792.
Certificate

certifying the
road to be in
repair.

“ his majesty's justices of the peace of the county of Surry, acting
“ in and for the said county (meaning the said Sir Joseph Mawbey
“ and James Liptrott) having this day (meaning the said twenty-
“ fourth day of July, in the year of Our Lord 1792 aforesaid)
“ viewed and examined the state and condition of the road said
“ to have been indicted at the last summer assizes, leading from a
“ place called Biddles Green, in the parish of Windlesham, in the
“ said county, to a place called Westley Green, adjoining to the
“ parish of Cobham, in the county aforesaid (*meaning the said*
“ *parts of the said highway in the said indictment mentioned which*
“ *were so in and by the said indictment alledged to be out of repair as*
“ *aforesaid*) do certify, that the said road (again meaning the said
“ parts of the said highway which were so in and by the said
“ indictment alledged to be out of repair as aforesaid) is well and
“ sufficiently repaired, and is in such a state that the king's subjects,
“ with waggons, carts, coaches, and other carriages, may pass and
“ repass safely and without inconvenience. Given under our
“ hands and seals this twenty-fourth day of July 1792. Joseph
“ Mawbey (L. S.) James Liptrott (L. S.) Witness, Richard
“ Kempster.” And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, in pursuance of the said unlawful conspiracy, combination, confederacy, and agreement, so by them entered into as aforesaid, *and with such intent to influence the judgment upon the said indictment as aforesaid, afterwards, to wit, at the said general sessions of oyer and terminer for holden as last aforesaid, did produce and exhibit unto and before the said court of the said last-mentioned session at and upon the said enquiry so then and there made as aforesaid, into the state and condition of the said parts of the said highway which by the said indictment were so alledged to be out of repair as aforesaid, the said paper-writing hereinbefore mentioned as and for a true certificate*

That they did
thereupon pro-
duce such false
certificate in e-
vidence.

in writing, by and under the hands and seals of the said Sir Joseph Mawbey and James Liptrott, as such justices as aforesaid, touching and concerning the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, and the state and condition of the same, they the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, thereby then and there unjustly meaning and intending to have it *understood and believed by the said last-mentioned court*, that the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, had been well and sufficiently repaired by the inhabitants of the said parish of Windlesham after the preferring of the aforesaid indictment, and before the making of such inquiry as aforesaid, and that the said several parts of the said highway, upon the said twenty-fourth day of July, in the year 1792 aforesaid, and at the time of the making of the said enquiry were in good and sufficient repair; *WHEREAS in truth and in fact the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, were not at any time after the preferring and finding of the aforesaid indictment, and before the making of such enquiry as aforesaid, well and sufficiently repaired, nor upon the said twenty-fourth day of July, in the year of Our Lord 1792, nor at the time of making the said enquiry, had the said parts of the said highway, or either of them, been well and sufficiently repaired by the inhabitants of the parish of Windlesham, or by any other person or persons, nor were the said parts of the said highway in such a state that the king's subjects with waggons, carts, coaches, and other carriages, might pass and repass safely and without inconvenience, as by the said paper-writing was and is so certified as aforesaid; but on the contrary, the said parts of the said highway, upon the said twenty-fourth day of July, in the year 1792 aforesaid, and also at the time of making such enquiry as aforesaid, and also at the time that the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester produced and exhibited in evidence as aforesaid the aforesaid paper-writing, remained, continued, and were ruinous, miry, deep, broken, and in great decay for want of due reparation and amendment of the same, and so the said Sir Joseph Mawbey, and James Liptrott, Edward Cooper, and Ralph Leycester well knew at the time of their so as aforesaid producing and exhibiting in evidence the aforesaid paper-writing, to the great obstruction of public justice, to the evil example of others in the like case offending, and against the peace of our said lord the now king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said bill of indictment having been so preferred and found against the said inhabitants of the said parish of Windlesham as aforesaid, and the said plea of not guilty, which was so as aforesaid pleaded to the said indictment, having been so withdrawn as aforesaid, and such enquiry as aforesaid into the state and condition of the said parts of the said highway which were so by the said indictment alledged to be out of repair as*

Whereas in fact the road had not been repaired,

but was out of repair,

as defendants well knew at the time of their producing certificate in evidence.

ad Count.

That defendants
intending, &c.
as in 1st Count.

Did produce
false certificate
in evidence.

aforesaid, thereupon taking place, and being made as aforesaid by and before the said court of general session of oyer and terminer so holden as last aforesaid, the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, unlawfully and wickedly confederating, contriving, and *intending to obstruct* and pervert the due course of justice, and to deceive and impose on the said court at which such enquiry into the state and condition of the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid was so made as aforesaid, and unjustly to have it understood and believed by the said last-mentioned court, that those parts of the said highway had been well and sufficiently repaired by the inhabitants of the said parish of Windlesham, after the preferring of the said indictment, and before the making of such inquiry, and that the said several parts of the said highway, at the time of the making of the said inquiry, were in good and sufficient repair, and thereby unjustly to influence in favour of the inhabitants of the said parish of Windlesham the judgment to be given upon the said indictment, afterwards, to wit, at the said general session of oyer and terminer so holden as last aforesaid, that is to say, at the said general session of oyer and terminer so holden at Guildford, in and for the said county of Surry, on the said eighth day of August, in the said thirty-second year of the reign of our lord the now king, and before the giving of judgment upon the said indictment, with force and arms, *unlawfully did produce and exhibit in evidence*, and cause and procure to be produced and exhibited in evidence, unto and before the said court of the said last-mentioned session, at and upon the said inquiry so then and there made as aforesaid into the state and condition of the said parts of the said highway which by the said indictment were so alledged to be out of repair as aforesaid, *a certain other false and fraudulent paper-writing*, under the hands and seals of the said Sir Joseph Mawbey and James Liptrott, as and for a true certificate in writing by and under the hands and seals of them the said Sir Joseph Mawbey and James Liptrott as such justices as aforesaid, touching and concerning the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, and the state and condition of the same; which said last-mentioned paper-writing was and is to the tenor and effect following, that is to say: " Sur-
" ry. We, two of his majesty's justices of the peace of the county
" of Surry, acting in and for the said county (meaning the said
" Sir Joseph Mawbey and James Liptrott) having this day
" (meaning the said twenty-fourth day of July, in the year 1792
" aforesaid) viewed and examined the state and condition of the
" road said to have been indicted at the last summer assizes, leading
" from a place called Biddles Green, in the parish of Windlesham,
" in the said county, to a place called Westley Green, adjoining to
" the parish of Cobham, in the county aforesaid (meaning the
" said parts of the said highway in the said indictment mentioned
" which were so, in and by the said indictment, alledged to be out
" of repair as aforesaid), do certify, that the said road (again
" meaning

* meaning the said parts of the said highway which were so in
 “ and by the said indictment alledged to be out of repair as afore-
 “ said) is well and sufficiently repaired, and is in such a state that
 “ the king’s subjects with waggons, carts, coaches, and other car-
 “ riages may pass and repass safely and without inconvenience.
 “ Given under our hands and seals this twenty-fourth day of July
 “ 1792. Joseph Mawbey (L. S.) James Liptrott (L. S.)

“ Witness, Richard Kempster :” They the said Sir Joseph Maw-
 bey, James Liptrott, Edward Cooper, and Ralph Leycester, thereby
 then and there unjustly meaning and intending to have it under-
 stood and believed by the said last-mentioned court, that the said
 parts of the said highway which were by the said indictment alledged
 to be out of repair as aforesaid, had been repaired after the preferring
 of the aforesaid indictment, and before the making of such inquiry
 as aforesaid, and that the said several parts of the said highway, upon
 the said twenty-fourth day of July, in the year 1792 aforesaid, and at
 the time of the making of the said inquiry, were in good and suffici-
 ent repair, with intent unlawfully and unjustly to influence in
 favour of the inhabitants of the said parish of Windlesham the
 judgment to be given upon the said indictment ; *whereas in truth*
and in fact the said parts of the said highway which were so by the
 said indictment alledged to be out of repair as aforesaid were not,
 at any time after the preferring and finding of the aforesaid indict-
 ment, and before the making of such inquiry as aforesaid, well and
 sufficiently repaired, nor upon the said twenty-fourth day of July,
 in the year 1792 aforesaid, nor at the time of making of the said
 inquiry had the said parts of the said highway, or either of them, been
 well and sufficiently repaired by the said inhabitants of the said
 parish of Windlesham, or by any other person or persons, nor were
 the said parts of the said highway in such a state that the king’s
 subjects with waggons, carts, coaches, and other carriages might
 pass and repass safely, and without inconvenience, as by the said
 last-mentioned paper-writing was and is so certified as aforesaid ;
 but on the contrary the said parts of the said highway, upon the
 said twenty-fourth day of July, in the year 1792 aforesaid, and also
 at the time of making such inquiry as aforesaid, and also at the time
 the said Sir Joseph Mawbey, James Liptrott, Edward Cooper,
 and Ralph Leycester so produced and exhibited, and caused and
 procured to be produced and exhibited in evidence as aforesaid, the
 said last-mentioned paper-writing remained and continued ruinous,
 miry, deep, broken, and in great decay, for want of due reparation
 and amendment of the same ; and so *the said Sir Joseph Mawbey,*
James Liptrott, Edward Cooper, and Ralph Leycester, well knew
at the time that they so produced and exhibited, and caused and pro-
cured to be produced and exhibited in evidence as aforesaid, the said
last-mentioned paper-writing, to the great obstruction of public
justice, to the evil example of all others in the like case offending,
and against the peace of our said lord the king, his crown and dig-
nity : And the jurors aforesaid, upon their oath aforesaid, do fur-
 ther present, that the said bill of indictment having been so preferred

Averments of
 road being out
 of repair.

Sciverunt.

3d Count.

and found against the said inhabitants of the said parish of Windlesham as aforesaid, and the said Sir Joseph Mawbey and James Liptrott so being such justices as aforesaid, and the said Edward Cooper and Ralph Leycester so being two of the inhabitants of the said parish of Windlesham as aforesaid, they the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, unlawfully and wickedly conspiring, combining, and confederating together to obstruct and pervert the due course of justice, and unlawfully and unjustly to influence, in favour of the inhabitants of the said parish of Windlesham, the judgment to be given upon the said indictment, before the giving of such judgment, and also before the said general session of oyer and terminer, so holden at Guildford aforesaid, in and for the said county of Surry, upon the said eighth day of August, in the thirty-second year aforesaid, to wit, on the said twenty-fourth day of July, in the said thirty-second year of the reign of our said lord the now king, with force and arms, at the said parish of Windlesham, in the said county of Surry, unlawfully and unjustly *did conspire, combine, confederate*, and agree to produce and exhibit unto and before the court of the said last-mentioned session of oyer and terminer, so holden in and for the said county of Surry as aforesaid, in behalf of the inhabitants of the said parish of Windlesham, a certain other false and fraudulent paper-writing, purporting to be a certificate in writing, by and under the hands and seals of the said Sir Joseph Mawbey and James Liptrott, touching and concerning the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, and the state and condition of the same; which said last-mentioned paper-writing was and is to the tenor and effect following:

" Surry, to wit. We, two of his majesty's justices of the peace
 " of the county of Surry, acting in and for the said county, having
 " this day viewed and examined the state and condition of the road
 " said to have been indicted at the last summer assizes, leading
 " from a place called Biddles Green, in the parish of Windlesham,
 " in the said county, to a place called Westley Green, adjoining to
 " the parish of Cobham, in the county aforesaid, do certify that
 " the said road is well and sufficiently repaired, and is in such a
 " state that the king's subjects with waggons, carts, coaches, and
 " other carriages may pass and repass safely, and without inconve-
 " nience. Given under our hands and seals this twenty-fourth day
 " of July 1792. Joseph Mawbey (L. S.) James Liptrott
 " (L. S.) Witness, Richard Kempster." And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, in pursuance of the said unlawful conspiracy, combination, confederacy, and agreement so by them entered into as last aforesaid, and with such intent to influence the judgment to be given upon the said indictment as aforesaid, afterwards, to wit, at the said general session of oyer and terminer so holden at Guildford aforesaid, in the county of Surry, upon the said eighth day of August, in the thirty-second year aforesaid, *did produce and exhibit, and cause and*

Certificate
without in-
endos.

procure to be produced and exhibited unto and before the court of the said last-mentioned session, the said paper writing last hereinbefore mentioned, as and for a true certificate in writing, by and under the hands and seals of the said Sir Joseph Mawbey and James Liptrott, as such justices as aforesaid, touching and concerning the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, and the state and condition of the same, they the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, thereby then and there *meaning and intending* to have it understood and believed by the said last-mentioned court, that the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, had been well and sufficiently repaired after the preferring of the aforesaid indictment, and before the producing and exhibiting of the said last-mentioned paper-writing, unto and before the said last-mentioned court as aforesaid, and that the said several parts of the said highway, at the time of so producing and exhibiting such paper writing as last aforesaid unto and before the said last-mentioned court were in good and sufficient repair; *whereas in truth and in fact the said parts of the said highway* which were so by the said indictment alledged to be out of repair as aforesaid, *were not at any time after the preferring* of the aforesaid indictment, and before the producing and exhibiting of the said last-mentioned paper-writing unto and before the said last-mentioned court as aforesaid, well and sufficiently repaired, nor at the time of so producing and exhibiting the said last-mentioned paper-writing had the said parts of the said highway been, nor were, nor was either of them *well and sufficiently repaired*; but on the contrary the said parts of the said highway, at the time of so producing and exhibiting such last-mentioned paper writing as aforesaid, unto and before the said last-mentioned court, remained, continued, and were ruinous, miry, deep, broken, and in great decay, for want of due reparation and amendment of the same; and so the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester well knew at the time of so producing and exhibiting the said last-mentioned paper-writing unto and before the said last-mentioned court as aforesaid, to the great obstruction of public justice, to the evil example of others in the like case offending, and against the peace of our said lord the now king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said bill of indictment having been so preferred and found against the said inhabitants of the said parish of Windlesham as aforesaid, and the said Sir Joseph Mawbey and James Liptrott so being such justices as aforesaid, and the said Edward Cooper and Ralph Leycester so being two of the inhabitants of the said parish of Windlesham as aforesaid, they the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, unlawfully and wickedly contriving and intending to obstruct and pervert the due course of justice, and unlawfully and unjustly to influence, in favour of the inhabitants of the said parish of Windlesham, the judgment to be given

Averments.

4th Count.

given upon the said indictment, afterwards, and before the giving of such judgment, *and when the same was about to be given, to wit,* at the said general session of oyer and terminer of our lord the king, so holden at Guildford aforesaid, in and for the said county of Surry, on the said eighth day of August, in the thirty-second year of the reign of our said lord the now king, with force and arms, unlawfully *did produce and exhibit, and cause and procure to be produced and exhibited* unto and before the court of the said last-mentioned session, in behalf of the inhabitants of the said parish of Windlesham, a certain other false and fraudulent paper writing, purporting to be and as and for a certificate in writing, by and under the hands and seals of the said Sir Joseph Mawbey and James Liptrott, *touching and concerning the said parts of the said highway* which were so by the said indictment alledged to be out of repair as aforesaid, and *the state and condition of the same*; which said last-mentioned paper-writing was and is to the tenor and effect following: "Surry, to wit. We, two of his majesty's justices of the peace of the county of Surry, acting in "and for the said county, having this day viewed and examined the "state and condition of the road said to have been indicted at the "last summer assizes, leading from a place called Biddles Green, "in the parish of Windlesham, in the said county, to a place called "Westley Green, adjoining to the parish of Cobham, in the "county aforesaid, do certify that the said road is well and sufficiently repaired, and is in such a state that the king's subjects "with waggons, carts, coaches, and other carriages may pass and "repass safely and without inconvenience. Given under our "hands and seals this twenty-fourth day of July 1792. Joseph "Mawbey (L. S.) James Liptrott (L. S.) Witnesses, Richard "Kempster:" They the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, thereby then and there meaning and intending to have it understood and believed by the said last-mentioned court, that the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid had been well and sufficiently repaired, after the preferring of the aforesaid indictment, and before the producing and exhibiting of the said last-mentioned paper-writing unto and before the said last-mentioned court as aforesaid, and that the said several parts of the said highway, at the time of so producing and exhibiting such paper writing as last-aforesaid, unto and before the said last-mentioned court, were in good and sufficient repair, with intent unjustly to influence in favour of the inhabitants of the said parish of Windlesham the judgment to be given upon the said indictment; *whereas in truth and in fact* the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid were not, at any time after the preferring of the aforesaid indictment, and before the producing and exhibiting the said last-mentioned paper-writing unto and before the said last-mentioned court as aforesaid, well and sufficiently repaired, nor at the time of so producing and exhibiting the said last-mentioned paper writing had the said parts of the said highway been, nor were, nor was either

Averments.

of

of them well and sufficiently repaired ; but on the contrary the said parts of the said highway, at the time of so producing and exhibiting such last-mentioned paper-writing as aforesaid unto and before the said last-mentioned court, remained, continued, and were ruinous, foundrous, miry, deep, broken, and in great decay, for want of due reparation and amendment of the same ; *and so the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, well knew at the time of so producing and exhibiting the said last-mentioned paper-writing unto and before the said last-mentioned court as aforesaid, to the great obstruction of public justice, to the evil example of others in the like case offending, and against the peace of our said lord the now king, his crown and dignity.* And the jurors aforesaid, upon their oath aforesaid, do further present, that the said bill of indictment having been so preferred and found against the inhabitants of the said parish of Windlesham as aforesaid, and the said Sir Joseph Mawbey and James Liptrott so being such justices as aforesaid, and the said Edward Cooper and Ralph Leycester so being two of the inhabitants of the said parish of Windlesham as aforesaid, they the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, unlawfully and wickedly conspiring, combining, and confederating together to obstruct and pervert the due course of justice, whilst the said indictment was depending and before the giving of judgment thereon, to wit, on the said twenty-fourth day of July, in the thirty-second year aforesaid, with force and arms, at the said parish of Windlesham, in the said county of Surry, unlawfully and unjustly did conspire, combine, confederate, and agree together, *that the said Sir Joseph Mawbey and James Liptrott, so being such justices as aforesaid, should, as such justices as aforesaid, view the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, and should thereupon, as such justices as aforesaid, certify the same to be in repair, and that such certificate should be afterwards produced and given in evidence upon the said indictment, in behalf of the inhabitants of the said parish of Windlesham.* And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, having so entered into such conspiracy, combination, confederacy, and agreement as last aforesaid, the said Sir Joseph Mawbey and James Liptrott, in pursuance of the said last-mentioned conspiracy, combination, confederacy, and agreement, afterwards, and before the giving of judgment upon the said indictment, to wit, on the said twenty-fourth day of July, in the thirty-second year aforesaid, did, as such justices as aforesaid, *view the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, and did thereupon then and there sign and seal a certain other paper-writing as and for a certificate in writing by and under the hands and seals of them the said Sir Joseph Mawbey and James Liptrott, as such justices as aforesaid, of their having so as aforesaid viewed the said parts of the said highway which were so by the said indictment alledged to be out of repair as aforesaid, and that the same were well and sufficiently repaired,*

Conspiracy that M. and L. should view the road, and certify the same to be in repair, and that certificate should afterwards be given in evidence in behalf of the parish.

View.

Certificate

paired, which said last-mentioned paper writing was and is to the tenor and effect following, " Surry to wit ; We, two of his majesty's justices of the peace of the county of Surry, acting in and for the said county, having this day viewed and examined the state and condition of the road said to have been indicted at the last summer assizes, leading from a place called Biddles Green in the parish of Windlesham, in the said county, to a place called Westley Green, adjoining to the parish of Cobham in the county aforesaid, do certify that the said road is well and sufficiently repaired, and is in such a state, that the king's subjects with waggons, carts, coaches, and other carriages may pass and repass safely and without inconvenience. Given under our hands and seals, this twenty-fourth day of July 1792. Joseph Mawbey, (L.S.) James Liptrott, (L.S.) witnesses Richard Kempster : " And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Sir Joseph Mawbey and James Liptrott, having so signed and sealed such paper writing as last aforesaid, they the said Sir Joseph Mawbey and James Liptrott, and the said Edward Cooper and Ralph Leycester in further pursuance of the said unlawful conspiracy, combination, confederacy, and agreement so between them had and entered into as last aforesaid, afterwards and before the giving of judgment on the said last-mentioned indictment, and when such judgment was about to be given, to wit, at the said session of oyer and terminer so as aforesaid, holden at Guildford in and for the said county of Surry, on the said eighth day of August, in the thirty-second year aforesaid, unlawfully, and with intent unjustly to influence in favour of the inhabitants of the said parish of Windlesham, the judgment then about to be given upon the said indictment, did produce and exhibit, and cause and procure to be produced and exhibited in evidence, unto and before the court of the said last-mentioned session in behalf of the inhabitants of the said parish of Windlesham, the said last-mentioned paper writing, as and for a true certificate in writing, by and under the hands and seals of the said Sir Joseph Mawbey and James Liptrott, as such justices as aforesaid, of their having so as aforesaid viewed the said parts of the said highway, which were so by the said indictment alledged to be out of repair as aforesaid, and of the state and condition of the same ; whereas in truth and in fact the said parts of the said highway, which were so by the said indictment alledged to be out of repair as aforesaid, were not at the time the said Sir Joseph Mawbey and James Liptrott so as aforesaid viewed the same, nor at the time of their so signing and sealing such paper writing as last aforesaid, nor when they so produced and exhibited such last-mentioned paper writing in evidence as aforesaid, well and sufficiently repaired, as and by the said last-mentioned paper writing was and is certified as aforesaid, but on the contrary the said parts of the said highway at the time of so viewing the same as aforesaid, and also at the time of producing and exhibiting in evidence as aforesaid the said last-mentioned paper writing, were ruinous, miry, deep, broken, and in great decay, for want of due reparation and amendment of the same, and so the said

Sir

Production of
certificate in
evidence.

Averments.

Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Lyecester *well knew* at the time of their so producing and exhibiting in evidence as aforesaid the said last-mentioned paper writing, to the great obstruction of public justice, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said bill of indictment having been so preferred and found against the inhabitants of the said parish of Windlesham, in the said county of Surry as aforesaid, and the inhabitants of the said parish having so as aforesaid confessed themselves guilty of the premises in the said indictment specified and charged on them, such further proceedings were had upon the said indictment, that afterwards, to wit, at the general sessions of oyer and terminer of our said lord the king, holden at Kingston upon Thames aforesaid, in and for the said county of Surry, on Thursday the twenty-first day of March, in the thirty-third year of the reign of our sovereign lord the king, before the above-named Sir Henry Gould, the above-named Sir Beaumont Hotham, and others their fellows, justices of our said lord the king, assigned by letters patent of our said lord the king, under the great seal of Great Britain, to the said Sir Henry Gould, Sir Beaumont Hotham, and others their fellows, justices of our said lord the king, and to any two or more of them directed, of whom one of them, the said Sir Henry Gould and Sir Beaumont Hotham, amongst others in the said letters patent named, our said lord the king willed to be one, to enquire more fully the truth, by the oath of good and lawful men of the said county, and by other ways, means, and methods by which they should or might better know, as well within liberties as without, by whom the truth of the matter might be better known and inquired into, of all treasons, misprisions of treasons, insurrections, rebellions, counterfeittings, clippings, washings, false coining, and all other falsities of the money of Great Britain, and other kingdoms, or dominions whatsoever, and of all murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, assemblies, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, champerties, deceits, and all other evil doings, offences, and injuries whatsoever, and also the accessaries of them, within the county aforesaid, as well within liberties as without, by whomsoever and in what manner soever done, committed, or perpetrated, and by whom or to whom, when, how, and after what manner, and of all other articles and circumstances concerning the premises, and every of them, or any of them in any manner whatsoever, and the said treasons, and other the premises, according to the laws and customs of England, for that time to hear and determine, it was considered and adjudged by the said court there, that the inhabitants of Windlesham should pay a fine of 100*l.* into the hands of Thomas Haverfield, esquire.

Sciverant.

6th Count.

Caption of Court
at Kingston.
21st day of
March, 1793.It was adjudged
that the inhabi-
tants

tants of the said parish of Windlesham, in the said county of Surry, should pay a fine of one hundred pounds into the hands of Thomas Haverfield, esquire, to be by him applied to the reparation and amendment of the respective parts of the said highway, in the said indictment above specified and alledged to be in great decay, for want of due reparation and amendment, by the said inhabitants of the said parish of Windlesham, in the said county of Surry, and that the said Thomas Haverfield should levy and receive the said fine of one hundred pounds, and apply the same in manner and form as before directed, as by the record and proceedings thereof fully appeareth : And the jurors aforesaid, upon their oath aforesaid, do further present, that such judgment as aforesaid, having been so given as aforesaid, upon the said indictment ; and it appearing to the said court of general session of oyer and terminer, so holden as last aforesaid, that the respective parts of the said highway, which were so in and by the said indictment alledged to be out of repair as aforesaid, had not been sufficiently repaired and amended, and were then in great decay for want of due reparation and amendment ; it was by a certain order then and there made by and at the said last-mentioned court, ordered and adjudged by the said court there, that the inhabitants of the said parish of Windlesham, should pay a fine of one hundred pounds for not repairing the said highway, being the said fine which was so imposed upon the said inhabitants of the said parish of Windlesham, by the said judgment so as aforesaid given against them, upon the said indictment, to be levied by and paid into the hands of Thomas Haverfield of Hampton Court in the county of Middlesex, esquire, (being the said Thomas Haverfield, hereinbefore mentioned), and to be by him applied towards the repair and amendment of the said highway ; and it was by the said order further ordered and directed by the said court there, that the said Thomas Haverfield should levy the said fine of one hundred pounds upon any one or more of the inhabitants of the said parish of Windlesham, and apply the same towards the reparation and amendment of the said highway, and that he should receive and apply the said fine as before directed, and account for the same at the next general sessions of oyer and terminer to be held for the said county of Surry, unless the then court should make other order respecting the same, as by the said order fully appeareth : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said order having been so made as aforesaid, and having been also duly served upon the said Thomas Haverfield ; and the said Thomas Haverfield being about to levy the said fine, so imposed upon the said inhabitants of the said parish of Windlesham as aforesaid, and to apply the same when levied towards the repair and amendment of the said highway, according to the directions of the said order ; and in execution of the same, the said Sir Joseph Mawbey, James Liptrott, Edward Cooper, and Ralph Leycester, unlawfully and wickedly contriving and intending to obstruct and pervert the due course of justice, and to prevent and hinder the execution of the

the

the said order, and to deter the said Thomas Haverfield from so levying and applying the said fine of one hundred pounds, under and in pursuance of the said order, and in execution of the same afterwards, and before the said fine had been or was paid or levied, and whilst he the said Thomas Haverfield was so about to levy and apply the same as aforesaid, to wit, on the first day of May, in the thirty-third year of the reign of our said lord the now king, with force and arms, at the said parish of Windlesham, in the said county of Surry, unlawfully did produce and deliver, and cause and procure to be produced and delivered unto the said Thomas Haverfield a certain paper writing in the form of a letter from the said Edward Cooper, directed to the said Thomas Haverfield, by the name and addition of Mr. Haverfield, gardener to his majesty, at "Kew, "Surry," touching and concerning the said fine and the said highway, in the repair of which the said fine was so ordered and adjudged to be applied as aforesaid, and purporting to contain a copy of a certificate from certain persons therein mentioned, which said last-mentioned paper writing was and is to the tenor and effect following, "Sir, It is thought necessary to furnish you
 " (meaning the said Thomas Haverfield) with the underwritten
 " copy of a certificate which has been handed up to Baron Hotham
 " (meaning the said Sir Beaumont Hotham herein-before-mentioned, and so as aforesaid, being one of the justices before
 " whom the said session of oyer and terminer was so holden as aforesaid, at which the said fine of one hundred pounds was so imposed upon the inhabitants of the said parish of Windlesham as
 " aforesaid, for not repairing the said parts of the said highway,
 " which were so in and by the said indictment alledged to be out of
 " repair as aforesaid), in the hope that either his influence, or a
 " petition to superior authority, may relieve the inhabitants of
 " Windlesham (meaning the inhabitants of the said parish of Windlesham in the said county of Surry) from the burden that hath
 " been imposed on them (thereby alluding to the said fine of
 " one hundred pounds which had been and was so as aforesaid imposed upon the said inhabitants of the said parish of Windlesham),
 " you will please to take notice, that the road (meaning the said
 " parts of the said highway, which were so by the said indictment
 " alledged to be out of repair as aforesaid) in the opinion of so
 " many gentlemen, some of them of the first rank and respect in
 " the country, is in perfect repair, and that if you (meaning the
 " said Thomas Haverfield) unnecessarily lavish any of the parish's
 " money (thereby alluding to the said fine of one hundred pounds,
 " which had been and was so imposed upon the inhabitants of the
 " said parish of Windlesham as aforesaid, and which was so about
 " to be levied and applied by the said Thomas Haverfield as aforesaid thereon, meaning on the said parts of the said highway which
 " were so by the said indictment alledged to be out of repair as
 " aforesaid), your accounts, (meaning the account of the said
 " Thomas Haverfield, with respect to the expenditure of the said
 " fine of one hundred pounds, under and in pursuance of the said
 " order

Mr. Cooper's
letter.

“ order, and in execution of the same) will be disputed. I am fir,
 “ your humble servant, Edward Cooper. Windlesham, May the
 “ first 1793. We who have subscribed our names, commis-
 “ oners of different turnpike roads in the neighbourhood of Win-
 “ dlesham, having viewed since the last assizes for the county of
 “ Surry, a public highway in the said parish of Windlesham, in
 “ the said county of Surry, indicted by John Farhill, esquire
 “ (meaning the said parts of the said highway which were so by
 “ the aforesaid indictment alledged to be out of repair as aforesaid),
 “ cannot help expressing our surprize that Mr. Farhill should be
 “ so pressing to have the fine of one hundred pounds (meaning
 “ the said fine of one hundred pounds which was so as aforesaid
 “ imposed upon the inhabitants of the said parish of Windlesham)
 “ levied, when in our opinion he ought rather to have joined with
 “ the parish in praying the court for a remission of it, the said
 “ highway (meaning the said parts of the said highway, which by the
 “ said indictment were so alledged to be out of repair as aforesaid)
 “ having been put in the good and perfect state of repair we find
 “ it in, Sir Edward Blackett, baronet, Egham, Sir Joseph Maw-
 “ bey, baronet, Chertsey (meaning the said Sir Joseph Mawbey,
 “ herein-before mentioned), major Scott, Egham, David Jebb,
 “ esquire, ditto, Colonel Axtel, Chertsey, John Webb, esquire,
 “ Binfield, Berks, G. John Ravenshaw, esquire, East Hampstead,
 “ ditto, Reverend Mr. Bisse, Egham, Reverend Mr. Pettingal,
 “ East Hampstead,” with intent to prevent and hinder the exe-
 “ cution of the said order hereinbefore mentioned, and to deter the
 “ said Thomas Haverfield from levying and applying the said fine of
 “ one hundred pounds so imposed upon the said inhabitants of the
 “ said parish of Windlesham as aforesaid, under and in pursuance of
 “ the said order, and in execution of the same, to the great obstruc-
 “ tion of public justice, to the evil example of others in the like
 “ case offending, and against the peace of our said lord the king, his
 “ crown and dignity: And the jurors aforesaid, upon their oath
 “ aforesaid, do further present, that the said bill of indictment
 “ having been so preferred and found against the inhabitants of the
 “ said parish of Windlesham, in the said county of Surry as aforesaid,
 “ and such judgment as aforesaid having been so given thereon as
 “ aforesaid against the inhabitants, and such order as aforesaid
 “ having been so, by, and at the said court of the said session of oyer
 “ and terminer, so holden at Kingston upon Thames aforesaid, in
 “ and for the said county of Surry, on the said twenty-first day of
 “ March, in the thirty-third year aforesaid, for the levying and apply-
 “ ing of the said fine of one hundred pounds, so by the said judgment
 “ imposed upon the said inhabitants of the said parish of Windlesham
 “ as aforesaid; and the said Thomas Haverfield being about to levy
 “ and apply the said fine, according to the direction of the said order, and
 “ in execution of the same, the said Joseph Mawbey, James Liptrott,
 “ Edward Cooper, and Ralph Leycester, unlawfully and wickedly
 “ contriving and intending to obstruct and pervert the due course of
 “ justice, and to prevent and hinder the execution of the said order,
 “ afterwards

afterwards and before the said fine of one hundred pounds had been or was paid or levied, to wit, on the said first day of May, in the thirty-third year aforesaid, with force and arms, at the said parish of Windlesham, in the said county of Surry, unlawfully did conspire, combine, confederate, and agree together, by means of threats and menaces unto and to the said Thomas Haverfield, and by other unlawful ways, means, and methods to obstruct and hinder the execution of the said order of the said court of the session of oyer and terminer, so holden as last aforesaid, and to deter and prevent him the said Thomas Haverfield from levying and applying the said fine of one hundred pounds, hereinbefore mentioned, according to the directions of the said order, and in execution of the same, to the great obstruction of public justice, to the evil example of others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors 3th Count. aforesaid, upon their oath aforesaid, do further present, that the said bill of indictment, having been so preferred and found against the said inhabitants of the said parish of Windlesham, in the said county of Surry as aforesaid, for not repairing such parts as aforesaid of the said highway, hereinbefore mentioned, such proceedings were thereupon had, that afterwards, to wit, at the said general session of oyer and terminer of our said lord the king, holden at Kingston upon Thames aforesaid, in and for the said county of Surry, on Thursday the twenty-first day of March, in the thirty third year aforesaid, a certain other order was made by and at the said court of general session of oyer and terminer so holden as last aforesaid, by which the said last-mentioned order, after reciting (amongst other things), "that it appeared to the said last-mentioned court, that the respective parts of the said highway which were "so in and by the said indictment alledged to be out of repair as "aforesaid, had not been sufficiently repaired and amended, and "were in great decay for want of due reparation and amendment; "it was ordered and adjudged by the said court there, that the inhabitants of the said parish of Windlesham should pay a fine "of one hundred pounds for not repairing the said highway, to be "levied by and paid into the hands of the said Thomas Haverfield, "hereinbefore mentioned, and to be him applied towards the "repair and amendment of the said highway; and it was also further ordered and directed by the said court there, that the said Thomas Haverfield should levy the said fine of one hundred pounds upon any one or more of the inhabitants of the said parish of Windlesham, and that he should receive and apply the said fine as before directed, and account for the same at the next general session of oyer and terminer to be holden for the said county of Surry, unless the then court should make other order respecting the same." As by the said last-mentioned order fully appeareth: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said last-mentioned order having been so made as aforesaid, and the said Thomas Haverfield being about to execute the same, the said Sir Joseph Mawbey, James Liptrott, Edward

Edward Cooper, and Ralph Leycester, unlawfully and wickedly contriving and intending to obstruct and pervert the due course of justice, and to prevent and hinder the execution of the said last-mentioned order, and to deter the said Thomas Haverfield from executing the same, afterwards, and before the said fine of one hundred pounds which was so by the said last-mentioned order ordered and directed to be paid and levied as aforesaid, had been or was paid or levied, and whilst the said Thomas Haverfield was so about to execute the said last-mentioned order as aforesaid, to wit, on the said first day of May, in the thirty-third year aforesaid, with force and arms, at the said parish of Windlesham, in the said county of Surry, unlawfully did produce and deliver, and cause and procure to be produced and delivered unto the said Thomas Haverfield, a certain other paper-writing in the form of a letter from the said Edward Cooper, directed to the said Thomas Haverfield, by the name and addition of "Mr. Haverfield, gardener to his majesty, at Kew, "Surry," touching and concerning the said fine which was so by the said last-mentioned order ordered and directed to be paid and levied as aforesaid, and touching and concerning the said highway, in the repair of which the said fine was so ordered to be applied as aforesaid, and purporting to contain a copy of a certificate from certain persons therein mentioned; which said last-mentioned paper-writing was and is to the tenor and effect following: "Sir, "It is thought necessary to furnish you (meaning the said Thomas "Haverfield) with the under-written copy of a certificate which "has been handed up to Baron Hotham (meaning the said Sir "Beaumont Hotham hereinbefore mentioned, and so as aforesaid "being one of the justices before whom the said session of oyer "and terminer was so holden as aforesaid, at which the said last-mentioned order was so made as aforesaid), in the hope that "either his influence, or a petition to superior authority, may "relieve the parish of Windlesham (meaning the inhabitants of "the said parish of Windlesham, in the said county of Surry) "from the burthen that has been imposed on them (thereby "alluding to the said fine of one hundred pounds which had been "and was so as aforesaid imposed upon the said inhabitants of the "said parish of Windlesham by the said last-mentioned order). "You'll please to take notice, that the road (meaning the said "parts, of the said highway which were so by the said indictment "alleged to be out of repair as aforesaid), in the opinion of so "many gentlemen, some of them of the first rank and respect in "the country, is in perfect repair; and that if you (meaning "the said Thomas Haverfield) unnecessarily lavish any of the "parish's money (meaning the said fine of one hundred pounds "which was so in and by the said last-mentioned order ordered and "directed to be paid by the inhabitants of the said parish of Win- "dlesham as aforesaid) thereon (meaning on the said parts of the "said highway which were so by the said indictment alleged to "be out of repair as aforesaid), your accounts (meaning the "accounts of the said Thomas Haverfield with respect to the
"expenditure

"expenditure of the said fine of one hundred pounds under and in
 "pursuance of the said last-mentioned order, and in the execution
 "of the same), will be disputed. I am, Sir, your humble servant,
 "Edward Cooper. Windlesham, first day of May 1793." "We
 "who have subscribed our names, commissioners of different
 "turnpike-roads in the neighbourhood of Windlesham, having
 "viewed, since the last assizes for the county of Surry, a public
 "highway in the said parish of Windlesham, in the said county,
 "indicted by John Farhill, esquire (meaning the said parts of
 "the said highway which were so by the said indictment alledged
 "to be out of repair as aforesaid), cannot help expressing our
 "surprize that Mr. Farhill should be so pressing to have the fine
 "of one hundred pounds (meaning the said fine of one hundred
 "pounds which was so by the said last-mentioned order ordered
 "and directed to be levied as aforesaid), when in our opinion he
 "ought rather to have joined with the parish in praying the
 "court for a remission of it; the said highway (meaning the said
 "parts of the said highway which by the said indictment were
 "so alledged to be out of repair as aforesaid) having been
 "put in the good and perfect state of repair we find it in, Sir Ed-
 "ward Blackett, baronet, Egham, Sir Joseph Mawbey, baronet,
 "Chertsey (meaning the said Sir Joseph Mawbey, hereinbefore
 "mentioned), Major Scott, Egham, David Jebb, esquire, ditto,
 "Colonel Axtell, Chertsey, John Webb, esquire, Binfield, Berks,
 "G. John Ravenshaw, esquire, East Hampstead, ditto, Reverend
 "Mr. Bisse, Egham, Reverend Mr. Pettingal, East Hampstead,"
 with intent to prevent and hinder the execution of the said order
 lastly hereinbefore mentioned, and to deter the said Thomas
 Haverfield from executing the same, to the great obstruction of
 public justice, to the evil example of others in the like case of-
 fending, and against the peace of our said lord the king, his crown
 and dignity: And the jurors aforesaid, upon their oath aforesaid, do 9th Count.
 further present, that the said bill of indictment having been so
 preferred and found against the inhabitants of the said parish of
 Windlesham, in the said county of Surry as aforesaid, and such
 order as last aforesaid having been so thereupon made as aforesaid,
 by and at the said court of the said general session of oyer and ter-
 miner of our said lord the king, holden at Kingston upon Thames
 aforesaid, in and for the said county of Surry, on Thursday the
 twenty-first day of March, in the thirty-third year aforesaid, and
 the said Thomas Haverfield being about to execute the said last men-
 tioned order, the said Sir Joseph Mawbey, James Liptrott, Edward
 Cooper, and Ralph Leycester unlawfully and wickedly contriving
 and intending to obstruct and pervert the due course of justice,
 and to prevent and hinder the execution of the said last mentioned
 order, afterwards and before the said fine of one hundred pounds,
 in the said last mentioned order mentioned, had been or was paid
 or levied, to wit, on the said first day of May, in the thirty-third
 year aforesaid, with force and arms, at the said parish of Windle-
 sham,

Removed by
certiorari.

Plea.

tham, in the said county of Surry, unlawfully did conspire, combine, confederate, and agree together to obstruct and hinder the execution of the said last-mentioned order by him the said Thomas Haverfield, and to endeavour to deter him the said Thomas Haverfield from executing the same; to the great obstruction of public justice, to the evil example of others in the like case offending, and against the peace of our said lord the king, his crown and dignity: Which said indictment our said lord the king afterwards, for certain reasons, caused to be brought before him to be determined according to the law and custom of England; wherefore the sheriff of the said county of Surry was commanded that he should not forbear by reason of any liberty in his bailiwick, but that he should cause them to come to answer to our said lord the king, touching and concerning the premises aforesaid; and now (that is to say), on Friday next after the octave of Saint Hilary in this same term, before our said lord the king at Westminster, came the said Sir Joseph Mawbey, baronet, James Liptrott, Edward Cooper, and Ralph Leycester, by John Ware their clerk in court, and having heard the said indictment read, they severally say that they are not guilty thereof, and hereupon they severally put themselves upon the country, and James Templar, esquire, coroner and attorney of our lord the king, in the court of our said lord the king, before the king himself, who for our said lord the king in his behalf prosecuteth doth the like; therefore let a jury thereupon come, &c.

See this case reported, 6 T. R. 619.

EXTORTION.

Indictment against a constable for taking money of a person whom he had apprehended under pretence of getting him discharged without any proceedings being had before the justice of peace, but did not, &c. &c.

MIDDLESEX, *ff.* The jurors for our lord the king upon their oath present, that C. O. late of, &c. on, &c. in the year of the reign of our sovereign lord, &c. at, &c. in, &c. (then and still being one of the peace officers of our said lord the king, called a headborough in and for the parish of, &c. in the county aforesaid), did arrest and take into his custody one W. S. by virtue and under colour of a warrant of J. G. esquire, then and still being one of the justices of our said lord the king, assigned to keep the king's peace, in the county aforesaid, then and there directed to the constables and other his majesty's officers of the peace of the said county, to take and bring before the said J. G. or some other of his majesty's justices of the peace for the said county, the body of the said W. S. to answer all such matters and things as on his majesty's behalf were on oath objected against him by J. W. for assaulting and beating him and tearing the hair from his head, and the said W. S. so being in custody aforesaid, for the purpose aforesaid, to answer the complaint aforesaid, he the said C. O. fraudulently, unlawfully, and injuriously did

did then and there obtain of and from the said W. S. the sum of one shilling of lawful money of Great Britain, of the money of said W. S. upon colour and pretence that he the said C. O. would procure and get the said warrant discharged by one of the justices of the peace of the said lord the king, assigned to keep the king's peace in the county aforesaid, without any proceedings being had before any one justice of the peace for the said county; whereas in truth and in fact, the said C. O. did not procure and get the said warrant discharged, to the great damage of the said W. S. to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present that the said C. O. afterwards, to wit, on, &c. in, &c. then being one of the headboroughs of, &c. in, &c. at, &c. in, &c. did take the said W. S. into his custody, by virtue of a certain warrant of J. G. esquire (then being one of justices of the peace of our said lord the king, assigned to keep the king's peace, in and for the said county, and the said W. S. so being in the custody of the said C. O. as aforesaid, he the said C. O. then and there unlawfully and injuriously did obtain of and from the said W. S. the sum of one shilling, of lawful, &c. of the monies of the said W. S. under colour and pretence of discharging the said W. S. out of his custody; and of getting the said warrant discharged, without conveying the said W. S. before any justice of the peace for the said county; whereas, in truth and in fact, the said C. O. did not get the said warrant discharged, to the great damage of the said W. S. to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

ad count, stating defendant to be a headborough.

WILTS, ff. The jurors for our lord the king upon their oath present, that Joseph Norton late of H. in the parish of E. K. in the county of W. yeoman, on the twenty-fourth day of September, in the thirty-second year of the reign of our said lord the king, then being one of the bailiffs of the sheriffs of the said county of W. at H. aforesaid, in the said parish and county, by colour of his said office, unlawfully, unjustly, and extorsively did exact, extort, and receive of and from the Rev. John Nainn, clerk, rector of the parish of B. in the said county of W. the sum of one pound seven shillings and eight pence, of lawful money of Great Britain, for a pretended fee of him the said Joseph, for executing a certain writ, which was issued out the thirteenth day of July, in the thirty-first year of the reign of our said lord the king, before the barons of his exchequer, at W. in the said county of M. directed to the sheriff of the said county of W. by which said writ, the said sheriff was commanded among other things to attach the said John by his body, and keep him safely, so that he might have his body before the said barons of the E. at W. in one month after the day of Saint Michael, then

Indictment against a bailiff for extorting a fee for an attachment against a rector for non-payment of tithes.

MISDEMEANOR.—FORCIBLE ENTRY.

next, to answer to our said lord the king for a certain debt which was alledged to be due for tenths from the said John, as rector of B. to our said lord the king : whereas in truth and in fact, no such fee was then due to the said John in that behalf, to the great damage of the said John, to the evil example of all others in like case offending, and against the peace of our sovereign lord the king, his crown and dignity (two more counts for extorting two several sums of one pound one, and one pound one, same as the above.)

FORCIBLE ENTRY.

Record of an indictment for forcible entry preferred at the general quarter sessions of Abergavenny, and of defendant's acquittal.

MONMOUTHSHIRE, to wit: Be it remembered that at the general quarter sessions of the peace of our said lord the king, holden at the town of Abergavenny, in and for the said county of M. on Wednesday the tenth day of January, in the twenty-seventh year of the reign of our sovereign lord George the Third, by the grace of God, of Great Britain, France and Ireland, king, defender of the faith, &c. before John H. Williams, &c. esquires, and others, justices of our said lord the king, in the county of Monmouth aforesaid, and also assigned to hear and determine divers felonies, trespasses, and other misdemeanors, committed and done in the said county, upon the oath of William Lewis, &c. (name all the grand jury) good and lawful men of the county aforesaid, then and there sworn and charged to inquire for our said lord the king, for the body of the said county: It is presented in manner and form as followeth, that is to say, Monmouthshire, to wit: The jurors of our lord the king upon their oath present, that George Williams, late of, &c. on the twenty-first day of October, in the twenty-seventh year, &c. was possessed of certain pieces and parcels of land, with the appurtenances, situate, lying, and being in the parish of M. in the county of M. and being so possessed thereof, one Edmund William Rees, of, &c. afterwards, to wit, on the said twenty-first day of October, in the year aforesaid, with force and arms, and with strong hand, unlawfully did enter; and the said G. W. from the possession of the said land, with the appurtenances aforesaid, then and there, with force and arms, and with strong hand, unlawfully did expel and put out, to the great damage of the said G. W. and against the form of the statute in that case made and provided: whereupon the sheriff of the said county of M. is commanded that he cause the said E. W. R. to come and answer, &c. And afterwards, to wit, at the same general quarter sessions of the peace of our said lord the king holden for the county aforesaid, at A. aforesaid, on the said tenth day of January, in the year aforesaid, before the aforesaid justices

Plea, not guilty.

of

of our said lord the king, and others their fellows aforesaid, cometh the said E. W. R. in his own proper person, and having heard the said indictment read, the said E. W. R. saith that he is not guilty thereof, and concerning thereof he putteth himself upon the country, &c. ; and A. Morgan, clerk of the peace for the county aforesaid, who prosecutes for our said lord the king in this behalf, doth the like ; therefore let a jury thereupon come before the said justices of our said lord the king, at the next general quarter sessions of the peace, to be holden at the town of *Pairis*, in and for the said county of M. by whom the truth of the matter may be better known, and who have no affinity to the said E. W. R. to recognize upon their oath if the said E. W. R. be guilty of the premises aforesaid or not, because as well the said A. Morgan, who prosecutes for our said lord the king in this behalf, as the said E. W. R. have put themselves upon that jury, the same day is given as well to the said A. Morgan, who prosecutes for our said lord the king in this behalf as to the said E. W. R. : at which said next general quarter sessions of the peace, holden at the town of *Pairis* aforesaid, in and for the said county of M. on Wednesday the eighteenth day of April, in the twenty-seventh year of the reign aforesaid, and in the said year of Our Lord 1787, before R. S. &c. &c. esquires, and others, justices of our said lord the king in and for the county of M. and also assigned, &c. cometh as well the said A. Morgan, who prosecutes for our said lord the king in this behalf, as the said E. W. R. in his own proper person : And the said jurors of the said jury, by *Record of ass: quital.*, esquire, sheriff of the said county of M. to this manner impannelled and returned, to wit (name the petit jury), being called, come, who being chosen, tried, and sworn to speak the truth of and upon the premises in the indictment aforesaid above specified, do say, upon their oath, that the said E. W. R. is not guilty of the premises aforesaid, in the said indictment aforesaid above specified, as the said E. W. R. for himself above by his plea hath alledged : whereupon it is considered by the Court here, that the said E. W. R. of the premises aforesaid, in the indictment aforesaid above specified be discharged, and go thereof without a day. *Drawn by Mr. GRAHAM.*

DEVONSHIRE, to wit. Be it remembered, that at the general quarter sessions of the peace of our lord the king, holden at the castle of Exon, in and for the county of Devon aforesaid, the sixth day of October, in the thirteenth year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, &c. and in the year of Our Lord 1773, before James Carrington, clerk, Sir George Younge, baronet, John Baring, Richard Stingle, and James Hamlyn, esquires, and others their companions, justices of our said lord the king, assigned to keep the peace of our said lord the king in and for the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, by the oath of twelve *Record of an indictment against defendants, for expelling the plaintiff out of possession of his house, or a forcible entry at the quarter sessions.*
L 3 jurors,

Indictment for a forcible entry at the quarter sessions.

jurors, good and lawful men of the county aforesaid, then and there impanelled, sworn, and charged to enquire for the said lord the king and the body of the said county, it was presented as followeth; that is to say : Devon, to wit. The jurors for our lord the king present, that James Gribble, of the parish of Tiverton, in the county of Devon aforesaid, serge-maker, on the thirtieth day of August, in the thirteenth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. was seised in his demesne as of fee of and in five parts (the whole in eight parts to be divided) of a certain messuage, with the appurtenances, called Pall House, situate, lying, and being in the parish of Tiverton aforesaid, in the county aforesaid; and being so seised thereof, Henry Finch, late of, &c. in, &c. carpenter, Samuel Turner, late of the same place, miller, George Rossiter, late of the same, miller, John Storke, late of the same, woolcomber, James Peard, late of the same, woolcomber, James Hatfell, late of the same, baker, John Drew, late of the same, &c. &c. &c. afterwards, to wit, on the thirtieth day of August, in the year aforesaid, into the said five parts in eight of the said messuage, with the appurtenances aforesaid, situate in the parish of Tiverton aforesaid, with force and arms, and with strong hand, unlawfully did enter, and the said James Gribble from the peaceable possession of the said five parts in eight of the said messuage, with the appurtenances, then and there, with force and arms, and with strong hand, unlawfully did expel and put out; and the said James Gribble from the peaceable possession thereof so as aforesaid, with force and arms and with strong hand, being unlawfully expelled and put out, the said Henry Finch, &c. him the said James Gribble from the aforesaid thirtieth day of August, in the year aforesaid, until the day of the taking of this inquisition, from the possession of the said five parts in eight of the said messuage, with the appurtenances aforesaid, with force and arms, and with strong hand, unlawfully and injuriously then and there did keep out, and still do keep out, to the great damage of the said James Gribble, and against the form of the statute in that case made and provided.

See plea in abatement of the jurisdiction to this indictment, and demurrer and joinder thereto, Vol. I. p. 18.

PLEAS before our lord the king at Westminster of Trinity Term, in the twenty-sixth and twenty-seventh years of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth.

ROLL.

Amongst the pleas of the king.

(*) Record of an indictment at the quarter sessions for a riot.

SOME time ago, that is to say, on Thursday in the week next after the feast of the Epiphany of Our Lord, to wit, the eleventh day of January, in the twenty-sixth year of the reign of our

(*) This is an indictment for a riot: see INDEX, under that head.

sovereign

sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c. at the general quarter sessions of the peace of our lord the king, holden at Maidstone, in and for the county of Kent, before William Horfmonden Turner, esquire, the honourable Robert Fairfax, esquire, Sir Narborough D'Aeth, baronet, Abraham Tilghman, William Champneis, James Calder, James Best, and George Hinds, esquires, and others their associates, justices of our said lord the king, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the same county, perpetrated upon the oath of twelve jurors, good and lawful men of the said county, then and there impanelled, sworn, and charged to enquire for our said lord the king for the body of the said county, it was presented as followeth, that is to say : Kent, to wit. The jurors for our lord the king, upon their oath, present, that William Jenkins, late of the parish of Harrietham, in the county of Kent, lime burner, Peter Simmonds, late of the same, labourer, Robert Till, late of the same, labourer, William Pottin, late of the same, thatcher, and William Crittenden, late of the parish of Lenham, in the said county of Kent, lime-burner, together with divers other persons to the jurors aforesaid as yet unknown, being rioters, routers, and disturbers of the peace of our said lord the king, on the eighteenth day of December, in the twenty-sixth year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c. with force and arms, that is to say, with sticks, staves, and other offensive weapons, at the parish of Harrietham aforesaid, in the county aforesaid, unlawfully, riotously, and routously did assemble and gather together to disturb the peace of our said lord the king ; and being so assembled and gathered together, one building, lodge, and outhouse, in the possession of George Manger, of Harrietham aforesaid, yeoman, then and there unlawfully, riotously, and routously did pull down, remove, break, destroy, and other wrongs to the said George Manger then and there unlawfully, riotously, and routously did, to the great damage of the said George Manger, and against the peace of our said lord the king, his crown and dignity : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Jenkins, Peter Simmonds, Robert Till, William Potten, and William Crittenden, together with divers other persons to the jurors aforesaid as yet unknown, on the said eighteenth day of September, in the year aforesaid, with force and arms, that is to say, with sticks, staves, and other offensive weapons, at the parish aforesaid, in the county aforesaid, unlawfully, riotously, and routously did assemble and gather together to disturb the peace of our said lord the king ; and being so assembled and gathered together, did then and there unlawfully, riotously, and routously remain and continue armed as aforesaid in a tumultuous manner, for the space of six hours, to the great disturbance and terror of divers of his majesty's subjects,

Indictment.

and against the peace of our said lord the king, his crown and dignity: which said indictment our said present sovereign lord the king afterwards, for certain reasons, caused to be brought before him, to be determined according to the law and custom of England: wherefore the sheriff of the said county of Kent was commanded, that he should not forbear by reason of any liberty in his bailiwick, but that he should cause them to come to answer to our said present sovereign lord the king touching and concerning the premises aforesaid: and now, that is to say, on Friday next after the morrow of the Holy Trinity in this same term, before our said present sovereign lord the king at Westminster, come the said William Jenkins, Peter Simmonds, Robert Till, William Potten, and William Cruttenden, by John Wace their attorney; and having heard the said indictment read, they severally say, that they are not guilty thereof; and hereupon they severally put themselves upon the country, and James Burrow, esquire, coroner and attorney of our said present sovereign lord the king, in the court of our said present sovereign lord the king before the king himself, who for our said present sovereign lord the king in this behalf prosecuteth, doth the like.

PROCEEDINGS IN A FORCIBLE ENTRY.

Precept by a justice of the peace for bringing the person recorded before him.

CUMBERLAND. I, &c. Fletcher Partis, esquire, one of the justices of our said lord the king assigned to keep the peace of our said lord the king in the county of Cumberland, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, to the sheriff of Cumberland greeting: Whereas complaint hath been made to me that Henry Forster, late of the parish of Stapleton, otherwise Stabledon, in the said county, gentleman, and W. Frezer, otherwise Frazer, late of the same place, yeoman, on the nineteenth day of December now last past, with force and arms, and with strong hand, did unlawfully enter into, and make forcible entry into three messuages, three hundred acres of land, one hundred acres of meadow, five hundred acres of pasture, two hundred acres of moss, and three hundred acres of heath, with the appurtenances, in the parish of Stapleton, otherwise Stabledon aforesaid, whereof John Holme, late of the city of Carlisle, in the said county, gentleman, was then seised in his demesne as of fee, against the form of the statute in such case made and provided: therefore, on the behalf of our said lord the king, I do command you, that you immediately cause to come before me, at the house of M. S. known by the name or sign of the White Swan, situate at Cockermouth, in the said county of Cumberland, twenty-four sufficient and indifferent persons, dwelling near about the said tenements so forcibly entered into as aforesaid, every man of whom shall have lands or tenements of the yearly value of forty shillings by the year at the least, above reprises to enquire upon their oaths for our said lord the king of and concerning the said forcible

The jury are to be freeholders, and to make inquisition.

forcible entry so made as aforesaid ; and have you there then the names of the jurors of this precept. Given under my hand and seal, the second day of January, in the thirty-first year of the reign of our sovereign lord George the Second, and in the year of Our Lord 1758.

Cumberland. An inquisition for our sovereign lord the king indented, taken on Monday the second day of January, in the thirty-first year of the reign of our sovereign lord the king, at the house of Margaret Stephenfon, widow, known by the name or sign of the White Swan, situate in Cockermouth, in the said county, before Fletcher Partis, esquire, one of the justices of our said lord the king, assigned to keep the peace of our said lord the king in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors, committed within the same county, by virtue of a certain act of parliament of the lord Henry the Sixth, late king of England, at a session thereof holden at Westminster, in the eighth year of the reign, touching the duty of justices of the peace where land is entered upon or determined with force, by the oath of F. A. &c. twelve good and lawful men of the said county, who being sworn and charged upon their oath say, that John Holme, late of the city of Carlisle, in the said county, gentleman, on the nineteenth day of December, in the said thirty-first year of the reign of our sovereign lord the present king, was seised in his demesne as of fee of and in three messuages, three hundred acres of land, one hundred acres of meadow, five hundred acres of pasture, two hundred acres of moss, and three hundred acres of heath, with the appurtenances, in the parish of Stapleton, otherwise Stabledon, in the said county of Cumberland ; and that whilst the said John was seised thereof, on the same nineteenth day of December, in the thirty-first year aforesaid, one Henry Foster, late of the parish of Stapleton, otherwise, &c. aforesaid, gentleman, and one William Frezer, otherwise Frazer, late of the same place, yeoman, with force and arms, with guns, pistols, swords, clubs, and other offensive weapons, and with strong hands, did make a forcible entry into the said tenements and premises, with the appurtenances, then being in the seisin and possession of the said John Holme, and did then and there, with force and arms and with strong hand, unlawfully disseise the said J. Holme thereof, and then and there, with force and arms and with strong hand, did unlawfully expel and eject, and him the said John Holme so disseised, expelled, and ejected of and from the said tenements and premises, from the aforesaid nineteenth day of December, in the thirtieth year aforesaid, until the day of taking this inquisition, with force and arms and with strong hand, unlawfully detained and kept out, and still do detain and keep out from the same tenements and premises, with the appurtenances, in contempt of our said present sovereign lord the king, against the peace of our said lord the king, his crown and

and dignity, and against the form of the statute in that case made and provided.

We whose names are hereunto set, being the jurors above-mentioned, do, upon the evidence now produced before us, find the inquisition aforesaid to be true.

Inquisition may be taken in any part of the county. The jury ought to be from the neighbourhood of the place where the estate lies, but will be good though they come from other places in the same county.

should be regularly taken before some justice in the neighbourhood, but will be good though taken before any other justice in the county: the justice, however, that lives near the place may be compelled to take it, or would be liable to an information if he refuses.

8. Hen. 6. c. 9. The inquisition

Notice.

Whereas by an inquisition taken before me, one of his majesty's justices of the peace in and for the county of Cumberland, held this day at the house of Margaret Stephenson, widow, known by the name or sign of the White Swan, situate at Cockermouth, it was found, that you, on the nineteenth day of December now last past, with force and arms and with strong hand did enter into, and make forcible entry into three messuages, three hundred acres of land, one hundred acres of meadow, five hundred acres of pasture, two hundred acres of moor, and three hundred acres of heath, with the appurtenances, in the parish of Stapleton, otherwise, &c. in the said county, whereof John Holme, gentleman, was then seised in his demesne as of fee, and did then and there, with force and arms and with strong hand, unlawfully disperse and expel the said John Holme of and from the said tenements then being in his possession, and him so dispersed and expelled did from thence until the day of taking the said inquisition, with force and arms and with strong hand, detain and keeps out from the said tenements, against the form of the statute in such case made and provided: you are therefore hereby required to be and appear before me at the house of the said Margaret Stephenson, on Friday, the sixth day of this instant, January, between the hours of nine and eleven of the clock of the forenoon of the same day, to shew cause if you can, why restitution of the said tenements should not be made to the said John Holme, according to the form of the statute in such case made and provided. Dated the second day of January 1758.

To Henry Forster
and

William Frezer, otherwise Frazer.

Warrant of ref-
tation.

Cumberland. Fletcher Partis, esquire, one of the justices of our sovereign lord the king aforesaid to keep the peace of our said lord the king in the said county of Cumberland, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed within the same county, to the sheriff of Cumberland, greeting: Whereas by an inquisition indented, taken before me the said Fletcher Partis, on Monday, the second day of this instant, in

in the thirty-first year of his present majesty's reign, at the house of Margaret Stephenson, widow, known by the name or sign of the White Swan, situate in Cockermouth, in the said county, by virtue of a certain act of parliament made in the parliament of the lord Henry the Sixth, late king of England, at a session thereof holden at Westminster, in the eighth year of his reign, touching the duty of justices of the peace where lands is entered upon or detained with force, by the oath of A. B. C. &c. twelve good and lawful men of the said county, it was found, that John Holme, late of the city of Carlisle, in the said county, gentleman, on the nineteenth day of December, in the thirty-first year of the reign of our sovereign lord the present king, was seized in his demesne as of fee of and in three messuages, three hundred acres of land, one hundred acres of meadow, five hundred acres of pasture, two hundred acres of moss, and three hundred acres of heath, with the appurtenances, in the parish of Stapleton, otherwise Stabledon, in the said county of Cumberland; and that whilst the said John Holme was so seized thereof, on the same nineteenth day of December, in the said thirty-first year aforesaid, one Henry Forster, late of the parish of Stapleton, otherwise Stabledon, aforesaid, gentleman, and one William Frezer, otherwise Frazer, late of the same place, yeoman, with force and arms, with guns, pistols, swords, clubs, and other offensive weapons, and with strong hand, did make forcible entry into the said tenements and premises, with the appurtenances, then being in the said seisin and possession of the said John Holme, and did then and there, with force and arms and with strong hand, unlawfully dispossess the said John Holme thereof, and him the said John Holme from his possession thereof, then and there, with force and arms and with strong hand, did unlawfully expel and eject, and him the said John Holme so dispossessed, expelled, and ejected, of and from the said tenements and premises, from the aforesaid nineteenth day of December, in the thirty-first year aforesaid, until the day of taking this inquisition, with force and arms and with strong hand, unlawfully detained and kept out, and at the time of taking that inquisition did still detain and keep out from the same tenements and premises, with the appurtenances, as by the inquisition aforesaid more fully appeareth of record: therefore on the behalf of our sovereign lord the king I charge and command you, that taking with you the power of the county, if it be needful, you go to the said several tenements and premises, and cause the same, with the appurtenances, to be resealed, and that you cause the said John Holme to be restored, and put into his full possession thereof, according to the form of the statute in such case made and provided; and this you shall in nowise omit, on the penalty thereon incumbent. Given under my hand and seal, the sixth day of January 1758.

JOS. YATES.

J. WALLACE.

The statute 8. Hen. 6. c. 9. not only empowers a justice of the peace, upon a complaint made to him upon a forcible entry on lands and tenements, or

of a forcible detainer after a peaceable entry by the disseisee, to try the truth of the complaint, but also in case of force, found by a jury summoned by the sheriff,

restore the possession to the party so put out, either by himself or his precept, or warrant to the sheriff; and in such case the offender shall forfeit, for the force found, treble damage to the party grieved, and make fine and restitution to the king.

GAMING-HOUSES.

Indictment against a person for keeping a gaming-house and an E O ca- ble,

MIDDLESEX, to wit. The jurors for, &c. upon, &c. present, that William Weller, late of, &c. in, &c. coal-merchant, being an idle and evil-disposed person, and not minding to gain his living by honest labour, on, &c. in the twenty-second year, &c. and on divers other days and times between that day and the day of the taking of this inquisition, with force and arms, at, &c. in, &c. a certain common gaming-house there situate, for his lucre and gain, unlawfully and injuriously did keep and maintain, and in the same common gaming-house, on, &c. in the twenty-second year, &c. and on the said divers other days and times there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to frequent and come together to game and play, and the said idle and ill-disposed persons to be and remain in the said common gaming-house, and to game and play together, on, &c. in, &c. and on the said other days and times there did unlawfully and injuriously procure, permit, and suffer, by means whereof divers noises, disturbances, and breaches of the peace of our said lord the king, then and on the said other days and times were there occasioned and committed, to the great encouragement of idleness and dissipation, to the great damage and common nuisance of all the liege subjects of our said lord the king, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Weller, being, &c. and not minding, &c. on, &c. in the twenty-third year, &c. and on divers, &c. with force and arms, at, &c. in, &c. a certain common gaming-room in a certain house there situate, for his lucre and gain, unlawfully and injuriously did keep and maintain, and in the said common gaming-room, on, &c. in the year aforesaid, and on divers other days and times, then and there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to frequent and come together, to game and play together, on, &c. in, &c.; and on the said divers other days and times there unlawfully and injuriously procure, permit, and suffer; by means whereof divers noises, &c. (conclude as before): And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Weller, being such idle, &c. and not minding, &c. on, &c. in the year aforesaid, and on divers other days, &c. with force and arms, at, &c. in, &c. a certain common gaming-house, there situate, for his lucre and gain, unlawfully and injuriously did keep and maintain, and in the said last-mentioned gaming-house, a certain common gaming-

2d count, for lucre and gain.

3d count, several persons unknown to play at E O.

gaming-table, called an E O table, for the use and purpose of divers idle and ill-disposed persons, whose names to the jurors aforesaid are yet unknown, to resort and frequent, and cometogether to play at a certain unlawful game called E O there, to wit, on, &c. in the year aforesaid, and on the said other days and times, there unlawfully and injuriously did cause and procure divers idle, &c. at and with the said common gaming-table, at the aforesaid unlawful game called E O, then and there, to wit, on, &c. in, &c. and on the said divers other days and times, at, &c. in, &c. did unlawfully and injuriously procure, permit, and suffer, to the great encouragement of idleness, &c. (as before): And the jurors ^{4th count.} aforesaid, upon their oath aforesaid, do further present, that the said William Weller, being, &c. and not minding, &c. on, &c. in, &c. and on divers other days, &c. with force and arms, at, &c. in, &c. a certain other common gaming-room, in a certain other house there situate, for his lucre and gain, unlawfully and injuriously did keep and maintain, and in the said last-mentioned common gaming-room a certain other common gaming-table, called an E O table, for the use and purpose of divers idle, &c. at a certain game called E O, then, to wit, on, &c. in the year aforesaid, and on the said divers other days and times, there unlawfully and injuriously did keep and have, and in the said last-mentioned common gaming-room, on, &c. in the year aforesaid, and on the said divers other days and times, there unlawfully and injuriously did cause and procure divers idle, &c. to frequent and come together to game and play at and with the said last-mentioned common gaming-table, at the aforesaid game called E O, and the said idle, &c. to be and remain in the said last-mentioned common gaming-room, and to game and play together at and with the said last-mentioned gaming-table, at the aforesaid game called E O, then and there, to wit, on, &c. in, &c. and on the said divers other days and times, at, &c. in, &c. unlawfully and injuriously procure, permit, and suffer, to the great encouragement, &c. &c.

HIGHWAYS.

CUMBERLAND, *ff.* The jurors for our sovereign lord the king upon their oath present, that from time whereof the memory of man is not to the contrary, there was and has been a certain common and ancient king's highway, leading from a certain village called Blackhall, in the said county of Cumberland, into a certain lane called Saint Cuthbert's Lane, in the parish of Saint Cuthbert, in the city of Carlisle, in the said county, for all the liege subjects of our said lord the king and his predecessors, kings and queens of this realm, by themselves, and with their horses, coaches, carts, and carriages to go, return, pass, repass, ride, and labour, at their will and pleasure, and that a certain part of the king's highway, containing in length yards, and in breadth feet, and

Indisment against the mayor, &c. of Carlisle, for not repairing a way which they are bound to repair in consideration of tolls.

and lying in a certain street called Black Friars Street, in the parish of Saint Cuthbert aforesaid, in the city of Carlisle aforesaid, on the first day of October, in the thirtieth year of the reign of our sovereign lord George the Second, now king of Great Britain, &c. and continually from thence afterwards until the day of the taking of this inquisition, at the said parish, in the said city of Carlisle, and county of Cumberland, was and yet is miry, ruinous, broken, dirty, and in great decay, for want of the due reparation and amendment of the same, so that the liege subjects of our said lord the king through the same way, by themselves, and with the horses, coaches, carts, and carriages, could not during the time aforesaid, nor yet can go, pass, repass, ride, and labour, without great danger of their lives and loss of their goods, to the great danger and common nuisance of all the liege subjects of our said lord the king through the same way going, returning, passing, repassing, riding, and labouring, and against the peace

Averment that the corporation should repair, in consideration of tolls.

ad count, another part of the highway.

of our lord the king, his crown and dignity: And that the mayor, aldermen, bailiffs, and burgeses of the city of Carlisle aforesaid, by reason of their being intitled to and taking and receiving of certain tolls for the passage of cattle and loaded carriages through the said city of Carlisle during all the time aforesaid, the common highway aforesaid above particularly mentioned and described (so as aforesaid being in decay) have been accustomed to repair and amend, and of right ought to have repaired and amended, and still of right ought to repair and amend, when and as often as occasion hath required, and hath not done it, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof the memory of man is not to the contrary, there was and has been, and yet is a certain other ancient or common king's highway, leading from a certain place called the Market Place, of the city of Carlisle, in the said city, to the town of Wigtoun, in the said county of Cumberland, for all the liege subjects of our lord the now king and his predecessors, kings and queens of this realm, by themselves, and with their horses, coaches, carts, and carriages, to go, return, pass, repass, ride, and labour, at their will and pleasure, and that certain part of the said last-mentioned common highway, containing in length yards, and in breadth feet, and lying, part thereof, in a certain street called Castle Street, in the parish of St. Mary, in the city of Carlisle aforesaid, and the other part thereof in a certain street called Annet Well Street, in the said last-mentioned parish and county, on the said first day of October, in the thirtieth year of the reign of our lord the now king, and continually from thence aforesaid until the day of the taking this inquisition, at the parish of St. Mary aforesaid, in the said city of Carlisle and county, was and yet is very miry, ruinous, broken, dirty, and in great decay, for want of the due reparation and amendment, so that the liege subjects of our said lord the king through the last-mentioned way, by themselves and with their horses, coaches, carts, and carriages, could not during the time aforesaid, nor yet can go, return, pass, repass, ride, and labour, without great danger of their lives and the loss of their goods, to the great damage and common nuisance of all the liege subjects

subjects of our said lord the king through the same way going, returning, passing, repassing, riding, and labouring, and against the peace of our said lord the king, his crown and dignity; and that the said mayor, aldermen, bailiffs, and citizens of the city of Carlisle, by reason of their being entitled unto, and taking and receiving of certain tolls for the passage of cattle and loaded carriages through the said city of Carlisle during all the time aforesaid, the common highway last aforesaid above particularly mentioned and described (so as aforesaid being in decay), have been accustomed to repair and amend, and of right ought to have repaired and amended, and still of right ought to repair and amend, when and as often as occasion hath required, and have not done it, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof ^{3d count, other part.} the memory of man is not to the contrary, there was and has been, and yet is a certain other common king's ancient highway, leading from a certain place called the Market Place of the city of Carlisle, in the said city and county, to a certain street called ^{3d count, other part.}, in the parish of St. Mary, in the city of Carlisle aforesaid, for all the liege subjects of our said lord the now king and his predecessors, the kings and queens of this realm, by themselves, and with their horses, coaches, carts, and carriages, to go, return, pass, repass, ride, and labour, at their will and pleasure, and that a certain part of the said last-mentioned king's common highway, containing in length ^{3d count, other part.} yards, and in breadth ^{3d count, other part.} feet, and lying in a certain street called Fisher Street, in the parish of St. Mary aforesaid, in the city of Carlisle aforesaid, in the county of Cumberland aforesaid, on the first day of October, in the thirtieth year of the reign of our said lord the now king, and continually from thence afterwards until the day of taking this inquisition, at the parish of St. Mary aforesaid, in the said city and county, was and is yet very miry, ruinous, broken, and in great decay, for want of the due reparation and amendment of the same, so that the liege subjects of our said lord the king through the same, by themselves, and with their horses, coaches, carts, and carriages, could not during the time aforesaid, nor yet can go, return, pass, repass, ride, and labour, without great danger of their lives, and the loss of their goods, to the great damage and common nuisance of all the liege subjects of our said lord the now king through the same going, returning, passing, repassing, riding, and labouring, and against the peace of our lord the king, his crown and dignity; and the said mayor, aldermen, bailiffs, and citizens of the city of Carlisle aforesaid, by reason of their being entitled unto and taking and receiving of certain tolls for the passage of cattle and loaded carriages through the said city of Carlisle, during all the time aforesaid, the common highway last aforesaid above particularly mentioned and described (so as aforesaid being in decay), have been accustomed to repair and amend, and of right, during all that time, ought to have repaired and amended, and still of right ought to repair and amend, when and as often as occasion hath required, and have not done it, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof ^{4th count, other part.} the

the memory of man is not to the contrary there was, and has been, and yet is, a certain other ancient and common king's highway, leading from a certain place called the Scotch Gates, in the city of Carlisle aforesaid, to a certain place called the Citadel, in the same city, for all the liege subjects of our lord the now king and his predecessors, the kings and queens of this realm, by themselves, and with their horses, coaches, carts, and carriages, to go, return, pass, repass, ride, and labour, at their will and pleasure; and that a certain part of the said last mentioned king's common highway, containing in length yards, and in breadth feet, lying and being near and adjoining to the walls of the said city of Carlisle, and in the parish of Saint Mary aforesaid, in the said city, on the first day of October, in the thirtieth year of the reign of our lord the now king, and continually from thence afterwards until the day of the taking of this inquisition, at the parish of Saint Mary aforesaid, in the said city and county, was and yet is very miry, ruinous, broken down, and in great decay, for want of the due reparation and amendment of the same, so that the liege subjects of our said lord the king through the said last-mentioned way, by themselves, and with their horses, coaches, carts, and carriages, could not during the time aforesaid, nor yet can go, return, pass, repass, ride, and labour, without great danger of their lives and the loss of their goods, to the great damage and common nuisance of all the liege subjects of our said lord the king through the same last way going, returning, passing, repassing, riding, and labouring, and against the peace of our said lord the king, his crown and dignity; and that the mayor, aldermen, bailiffs, and citizens of the city of Carlisle aforesaid, by reason of their being intitled unto and taking and receiving of certain tolls for the passing of cattle and loaded carriages through the said city of Carlisle during all the time aforesaid, the common highway aforesaid above particularly mentioned and described, so as aforesaid being in decay, have been accustomed to repair and amend, and of right ought to have repaired and amended, and still of right ought to repair and amend, when and as often as occasion hath required, and have not done it, &c.

Indictment against the township for not repairing road.

REX
against

TOWNSHIP OF TROWBRIDGE.

LANCASHIRE, to wit

The jurors of our lord the king upon their oath present, that from time whereof the memory of man is not to the contrary, there was and yet is a king's common highway leading from the market-town of Colne, in the said county, towards and into the market-town of Skipton, in the county of York, used for all the liege subjects of our said lord the king and of his predecessors, with their horses, coaches, carts, and other carriages to go, return, pass, repass, ride, and labour at their wills and pleasures; and that a certain part of the said king's common highway situate, lying, and being in the township of T. in the county of Lancaster aforesaid, beginning at a certain bridge there called Kirkbridge, and ending at a certain

a certain place there called Lancashire Gill, containing in length two thousand two hundred yards, and being of the breadth of three yards, on the first day of April, in the twenty-fourth year of our sovereign lord George the Third, by the grace of God, &c. and continually afterwards until the day of the taking this inquisition, was, and still is in great decay, for the want of due reparation, amendment, and enlargement of the same, so that the subjects of our said lord the king passing and travelling through the same with their horses, coaches, carts, and carriages, could not during the time aforesaid, nor yet can go, return, pass, repass, ride, and labour, without great danger, to the great damage and common nuisance of all the liege subjects of our said lord the king passing through the same way, and against the peace of our said lord the king, his crown and dignity, and that the inhabitants of the said township of T. in the said county of Lancaster, the common highway aforesaid (so as aforesaid being in decay), ought and are wont, and time immemorial have been accustomed, and now ought to repair and amend, when and so often as it shall be necessary.

And A. B. and C. D. two of the inhabitants of the township of T. *Plea, except as to part of the road in decay, that the township at large are not bound to repair.* having heard the said indictment read to them, on behalf of themselves and the rest of the inhabitants of the said township of T. say, that they do not apprehend that our said sovereign lord the king will or ought any further to prosecute or impeach the inhabitants of the said township of T. on account of the premises mentioned in the said indictment, except as to so much of the said common and ancient king's highway as lies within the said township, beginning at the said bridge called Kirk Bridge, and extending fifty-six yards and no more, from the said bridge towards the said place called Lancashire Gill, and being of the breadth of three yards, because they say, that true it is that the king's common highway in the said indictment mentioned, and being of such length as aforesaid, was and is in decay, in manner and form as by the said indictment is above alledged; but for plea in this behalf, as to all the said premises in the said indictment mentioned, except as to so much of the said common and ancient king's highway as lies within the said township, and beginning at the said bridge called Kirk Bridge, and extending fifty-six yards and no more, from the said bridge towards the said place called Lancashire Gill, and being of the breadth aforesaid, the said defendants say, that the inhabitants at large of the said township of T. in the said county of L. in the common highway aforesaid (so being as aforesaid in decay), or any part thereof, except such part thereof as lies within the said township, and begins at the said bridge, and extends fifty-six yards and no more from the said bridge towards the said place called Lancashire Gill, being of the breadth aforesaid, ought not, nor are wont, nor time immemorial have ever been accustomed, nor now ought to repair and amend when and so often as is necessary, in manner and form as in and by the said indictment is above

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alleged; and of this the said defendants, on behalf of themselves, and the rest of the inhabitants of the said township of T. put themselves upon the country.

The parish, of common right, I conceive, ought to repair an highway. Mar. pl. 62. Bent. 90. 193. 189. 256.; and therefore I think this plea good, without shewing who ought to repair it. 4 Vin. Mod. 308. pl. 16.

Indictment against the parish for not repairing, &c.

LANCASHIRE, to wit. The jurors of our sovereign lord the king, upon their oath present, that from time whereof the memory of man is not to the contrary, there was, and yet is a certain common and ancient king's highway, leading from the village of Iva, in the parish of Tatham, in the county of Lancaster, and unto the market town of Settle, in the county of York, and for all the liege subjects of our said lord the king and his predecessors, with their horses, coaches, carts, and carriages, to go, return, pass and repass, ride, and labour at their will and pleasure; and that a certain part of the same king's common highway, situate, lying, and being in the said parish of Tatham, in the county of Lancaster aforesaid, beginning at the south-east end of the village of Iva aforesaid, in the parish of Tatham aforesaid, and ending at the king's highway in the same parish, leading between the village of Benthams and the market town of Sladeburn, both in the said county of York, near to a certain place in the parish of Tatham aforesaid, called Akenhill-Dub, containing in length four hundred and twenty yards, and in breadth six yards, on the first day of January, in the twenty-fourth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. and continually afterwards until the day of taking this inquisition, at the parish of T. aforesaid, in the said county, was, and yet is very ruinous, miry, deep, broken, and in such decay for want of due reparation and amendment of the same, so that the liege subjects of our said lord the king through the same way with their horses, coaches, carts and carriages, could not during the time aforesaid, nor yet can go, return, pass, repass, ride and labour, without great danger of their lives, and the loss of their goods, to the great damage and common nuisance of all the liege subjects of our said lord the now king through the same way going, returning, passing, repassing, riding, and labouring, and against the peace of our said lord the king, his crown and dignity; and that the inhabitants of the said parish of Tatham, in the said county of Lancaster, the common highway as aforesaid, so as aforesaid being in decay, ought to repair and amend when and so often as it shall be necessary.

Plea by the inhabitants of the parish of Tatham, as to part of the road certain persons ought to repair it, by reason of their tenures of certain cattle-gates, and as to the residue that the inhabitants ought to repair, and traverse, the inhabitants being bound.

And William Middleton and William Dixon, two of the inhabitants of the said parish of Tatham, for themselves and the rest of the inhabitants of the said parish, *except the inhabitants of the township of Tatham*, and J. Baines, J. Robinson, E. Fourrett, J. Langhott, T. Bateson, W. Middleton, A. Clopham, J. Cert,

J. Clopham, W. Dawbiggin, J. Robinson, and J. Weatherhead, come, and having heard the said indictment read, say, that they do not intend that our said lord the king should further proceed against the said inhabitants of the said parish of Tatham, or any of them, except the inhabitants of the said township of Tatham, and the said J. Barnes, &c. &c. &c. by reason of the premises in the said indictment specified, because they say that parcel, to wit, five hundred and fifty-five yards in length of the said part of the said highway, in the said indictment mentioned and therein alledged to be ruinous, miry, deep, broken and in decay, is, and from time whereof the memory of man is not to the contrary, hath been situate within, and parcel of a certain common and stinted pasture called waste; which said pasture is, and from time whereof, &c. hath been held, occupied, and enjoyed by divers persons in certain limited shares and proportions called cattle-gates, and that the said last-mentioned cattle-gates are, and at the time of the taking of the said inquisition were in the several tenures and occupations of W. D. J. R. and J. W.; and that other parcel, to wit, two hundred and forty-five yards in length of the said part of the said highway in the said indictment mentioned, and therein alledged to be ruinous, miry, deep, broken, and in decay, adjoins, and from time whereof, &c. hath adjoined to certain lands in the township of Tatham aforesaid, now in the tenure and occupation of the said W. D.; and that other part, to wit, three hundred yards in length of the said part of the said highway in the said indictment mentioned, and therein alledged to be ruinous, miry, deep, broken, and in decay, is, and from time whereof, &c. hath been situate within, and parcel of a certain other common stinted pasture, called Low Gill Cow-pasture, which said last-mentioned cow-pasture, is, and from time whereof, &c. hath been held, occupied, and enjoyed by divers persons in certain limited shares and proportions, called cattle-gates, and that the said last-mentioned cattle-gates are, and at the time of taking the said inquisition, were in the several tenures and occupations of T. B. T. L. E. F. J. R. and J. B. and that the residue of the said part of the said highway in the said indictment mentioned, and therein alledged to be ruinous, miry, deep, broken, and in decay as aforesaid, except the said part thereof situate within the said moor or waste called Burn-moor, ought to be repaired by the said J. B. J. R. C. F. J. L. T. B. W. M. A. C. J. C. J. C. W. D. J. R. and J. W. in the respective parts and proportions following, that is to say, as for and concerning the said part of the said highway adjoining to the aforesaid lands in the tenure or occupation of the said W. D. he the said W. D. ought to repair the same; and as for and concerning the said part of the said highway situate within the said pasture called Low Gill Cow-pasture, the said W. M. A. C. J. C. and J. C. ought to repair the same; and as for and concerning the said part of the said highway adjoining to the said lands in the tenure or occupation of T. B. he the said T. B. ought to repair the same; and as for and concerning the said part of the

saïd highway adjoining to the aforesaid lands in the tenure or occupation of the saïd J. L. he the saïd J. L. ought to repair the same; and as for and concerning the saïd part of the saïd highway adjoining to the aforesaid lands of the saïd E. F. he the saïd E. F. ought to repair the same; and as for and concerning the saïd part of the saïd highway adjoining to the aforesaid lands of the saïd J. R. he the saïd J. R. ought to repair the same; and as for and concerning the saïd part of the saïd highway adjoining to the saïd land of the saïd J. B. he the saïd J. B. ought to repair the same: which saïd several and respective last-mentioned parts and proportions of the saïd part of the saïd highway so alledged to be ruinous, miry, deep, broken, and in decay as aforesaid, they the saïd J. B. (as at first) ought respectively to repair and amend as aforesaid, by reason of their respective tenures of the saïd respective cattle-gates and lands respectively, as all those who held the same respective cattle-gates and lands, ought and were wont to do, from time whereof the memory of man is not to the contrary; and as for and concerning the saïd residue of the saïd part of the saïd highway in the saïd indictment mentioned, and therein alledged to be in decay as aforesaid, situate within the saïd waste or moor, called Burn Moor, the inhabitants of the saïd *township of Tatham*, from time whereof the memory of man is not to the contrary, have repaired and maintained, and have been used and accustomed to repair, and still of right ought to repair and amend the same, when and as often as occasion hath required. Without this, that the inhabitants of the saïd parish of Tatham, in the saïd county of Lancaster, ought to repair and amend the saïd common highway, so as aforesaid being in decay, when and as often as it shall be necessary in manner and form aforesaid, as by the indictment aforesaid is above supposed; and this the above-named W. M. and W. D. for themselves and the rest of the inhabitants of the saïd parish of Tatham (except as before excepted), are ready to verify: Wherefore they pray judgment of the court here, and that they may be dismissed and discharged of the premises in the saïd indictment above specified.

A. CHAMBRE.

Instructions for
Replication.

THE township of *Tatham, with Treby*, is very extensive, and even more so than the parish of Tatham; and there is no such township as Tatham. The township of Tatham, with Treby, is divided into three divisions, for the repair of their highways; and there are three surveyors appointed, viz. one for the higher end of Tatham, another for the lower end of Tatham, and another for the division of Treby; and they each of them act for their own divisions only, and the inhabitants of the township of Tatham, with Treby, are only subject to the repair of the highways within their respective divisions, and have never been used to pay or contribute to the repair of the highways out of their own division; and the highway indicted lay within the division of the upper end of Tatham. There was an indictment preferred about three or four years ago by some of the land-holders, adjoining to some part of the highway, indicted against the inhabitants of the township of Tatham

Tatham, with Treby, for not repairing that road; which was traversed, and the same came on to be tried at the quarter sessions: But it appeared upon the trial, that the highway indicted lay within the division of the upper end of Tatham; and no proof being made that any part of the way indicted had ever been repaired by the township of Tatham, with Treby, the indictment was quashed.— And it is presumed the present plea is a bad one: First, because there is no such township as the township of Tatham; and, secondly, because if the parish of Tatham is not liable to the repair of that part of the highway indicted, which lies upon the waste called Burn Moor, then it will fall upon the inhabitants of the division of the upper end of Tatham to repair, and not to the inhabitants at large.

And A. B. clerk of the peace of the said county of Lancaster, present here in court, who prosecutes for our said lord the king in this behalf, as to the said plea of the said William Middleton and William Dixon, two of the inhabitants of the said parish of Tatham, for themselves and the rest of the inhabitants of the said parish, except the inhabitants of Tatham and the said J. Baines, &c. above pleaded, saith, that notwithstanding what has been above alledged by the said W. M. and W. D. for themselves and the rest of the inhabitants of the said parish of Tatham, except, &c. in the plea above pleaded, they the said inhabitants of the said parish of Tatham, ought not to be discharged or dismissed from the said indictment, because protesting against, and not admitting any thing in the said plea contained; protesting also, that there is not any such township as the township of Tatham in that plea alledged for replication; nevertheless in this behalf the said A. B. who prosecutes for our said lord the king in this behalf as before, says that the said inhabitants of the said parish of Tatham ought to repair and amend the said common highway, so as aforesaid being in decay, when and so often as it shall be necessary, in manner and form as by the said indictment is above supposed, without this that the said part of the said highway in the said indictment mentioned, and therein alledged to be ruinous, miry, deep, broken, and in decay as aforesaid, except the said part thereof situate within the said waste or moor called Burn Moor, ought to be repaired by the said Joshua Barnes, &c. in the respective parts and proportions following, that is to say, as for and concerning the said part of the said highway situate within the said pasture called the Waste, the said W. D. T. R. and J. W. ought to repair the same; and as for and concerning the said part of the said highway adjoining to the aforesaid lands, in the tenure or occupation of the said W. D. he the said W. D. ought to repair the same; and as for and concerning the said part of the said highway, situate within the said pasture called Low Gill Cow-pasture, the said W. M. A. C. J. C. and J. C. ought to repair the same; and as for and concerning the said part of the said highway adjoining to the aforesaid lands in the tenure or occupation of the said J. B. he the said J. B. ought to repair the same; and as for and concerning the said

Replication that the inhabitants of the parish ought to repair, and traversing that such persons are bound to repair by reason of their tenure.

part of the said highway adjoining to the aforesaid lands in the tenure or occupation of the said J. L. he the said J. L. ought to repair the same ; and as for and concerning the said part of the said highway adjoining to the aforesaid lands of the said C. F. he the said C. F. ought to repair the same ; and as for and concerning the said part of the said highway adjoining to the aforesaid lands of the said J. R. he the said J. R. ought to repair the same ; and as for and concerning the said highway adjoining to the lands of the said J. Barnes, he the said J. B. ought to repair the same ; which said several and respective last-mentioned parts and proportions of the said part of the said highway so alledged to be ruinous, miry, deep, broken, and in decay as aforesaid, they the said J. B. &c. ought respectively to repair and amend as aforesaid, by reason of their respective tenures of their said respective cattles and lands respectively, as all those who held the same cattles and lands respectively ought and were wont to do, from time whereof, &c. ; and as for and concerning the residue of the said part of the said highway in the said indictment mentioned, and therein alledged to be in decay as aforesaid, situate within the said waste or moor called Burn Moor, the inhabitants of the said township of Tatham, from time whereof, &c. have repaired and maintained, and have used and been accustomed to repair and amend, and still of right ought to repair and maintain the same, when and so often as occasion hath required, as the said W. M. and W. D. have in that plea alledged ; and this the said A. B. who prosecutes for our said lord the King in this behalf is ready to verify : wherefore on behalf of our said lord the king he prays judgment, and that the inhabitants of the said township of Tatham may be convicted of the premises in the said indictment above specified.

GEO. WOOD.

I think the indictment should not have been against the parish at large, but against the division of the upper end of Tatham, as the instructions state, that the road indicted lies within that division, which division maintains its own roads ; however, upon this indictment and plea it is incumbent on the defendants to prove their plea as pleaded ; and therefore unless the particular inhabitants and occupiers mentioned in the plea are bound to repair, the judgment, I think, must be against the parish, even though it should appear that the division of

Upper Tatham was bound to the repairs. —I doubt much whether the mistake in the name of the township will be a good objection, as I presume it may be commonly called as well by the general name of Tatham as by the name of Tatham, with Treby ; but if it be a good objection, I think the prosecutor may avail himself of it on the trial of the traverse, it being in issue whether the inhabitants of the township of Tatham are bound to repair, which necessarily involves in it the question, whether there be such a township or not.

GEO. WOOD.

Plea to an indictment against a township for not repairing a highway, that the respective owners and occupiers of certain closes near

REX
against

INHABITANTS OF THE TOWNSHIP OF OWSTON.

} AND defendant one

of the inhabitants of the said township of O. in the county of Lincoln, by A. B. his attorney, comes, and having heard the said indictment read to him on behalf of himself and the rest of the highway have been accustomed to repair,

the

the inhabitants of Owston and Kindall-ferry, and the several persons hereinafter mentioned, say, that he does not intend that our sovereign lord the king will or ought any further to prosecute or impeach any of the inhabitants of the said township of O. and Kindall-ferry, except the several persons hereinafter mentioned, on account of the premises mentioned in the said indictment, because he says, that the said first-mentioned part of the king's common highway, in the said indictment mentioned and described, contains in length yards and no more, and that the said last-mentioned part of the king's common highway contains in length yards and no more, and that true it is that both the said parts of of the said king's common highway, in the said indictment mentioned, and being of such length as aforesaid, were and are in decay, in manner and form as in and by the said indictment is above alledged; but for plea on this behalf the said defendant says that from time whereof the memory of man is not to the contrary, the owners and occupiers of certain closes of land called , lying and being in the township of O. and K. aforesaid, and near to the first-mentioned part of the said highway, so being in decay as aforesaid, and now in the possession and occupation of E. S. widow, have repaired and amended, and have been used and accustomed to repair and amend, and during all the time aforesaid of right ought to have repaired and amended, and still of right ought to repair and amend a certain part of the said first-mentioned part of the said highway, so being in decay as aforesaid, that is to say, - yards thereof in length, and the whole breadth thereof, when and so often as need hath required, or shall require, by reason of their tenure of such land called , lying and being in the township of O. and K. aforesaid, and near to the said first-mentioned part of the said highway, so being in decay as aforesaid, and now in the possession and occupation of one W. H. from time whereof the memory of man is not to the contrary, have repaired and amended, and have been used and accustomed to repair and amend, and during all the time aforesaid of right ought to have repaired and amended, and still of right ought to repair and amend a certain part of the said first-mentioned part of the said highway, so being in decay as aforesaid, that is to say, yards thereof in length, and the whole breadth thereof, when and so often as need hath required, or shall require, by reason of their tenure of such land, and that the owners and occupiers of a certain other close of land called , lying and being in the township of O. and K. aforesaid, and near to the said first-mentioned part of the said highway, so being in decay as aforesaid, and now in the possession and occupation of one T. W. from time whereof the memory of man is not to the contrary, have repaired and amended, and have been used and accustomed to repair and amend, and still of right ought to repair and amend a certain part of the said first-mentioned part of the said highway, so being in decay as aforesaid, that is to say, yards thereof in length, and the whole breadth thereof, when and so often as need hath

M 4

required

required or shall require, by reason of their tenure of such land ; and that the owners and occupiers of a certain other close of land called _____, lying and being in the township of O. and K. aforesaid, near to the said last-mentioned part of the said highway in the said indictment mentioned, so being in decay as aforesaid, and now in the possession and occupation of one S. S. from time whereof the memory of man is not to the contrary, have repaired and amended, and have been used and accustomed to repair and amend, and during all the time aforesaid of right ought to have repaired and amended, and still of right ought to repair and amend a certain part of the said highway, so being in decay as aforesaid, that is to say, _____ yards in length, and the whole breadth thereof, when and so often as need has required or shall require, by reason of their tenure of such lands ; and that the owners or occupiers of a certain other close of land called _____, lying and being in the township of O. and K. aforesaid, and near to the said last-mentioned part of the said highway in the said indictment mentioned, so being in decay as aforesaid, and now in the possession and occupation of one A. B. from time whereof the memory of man is not to the contrary, have repaired and amended, and have been used and accustomed to repair and amend, and during all the time aforesaid of right ought to have repaired and amended, and still of right ought to repair and amend a certain part of the said highway, so being in decay as aforesaid, that is to say, _____ yards thereof in length; and the whole breadth thereof, when and so often as need hath required, or shall require, by reason of their tenure of such land ; and this the said defendant, one of the inhabitants of the said township of O. and K. aforesaid, except as before is excepted, is ready to verify ; wherefore on behalf of himself and the rest of the inhabitants of the said town of O. and K. except as aforesaid, he prays judgment, and that the inhabitants of the said town of O. and K. except as aforesaid, may be discharged of the said premises in the said indictment mentioned, and dismissed therefrom by the court.

Replication that the township have been accustomed to repair and ought to repair the highway, and that the owners and occupiers of the said closes have not been accustomed to repair it, and issue.

And Robert Chapman, esquire, who prosecutes for our sovereign lord the king in this case, having heard the plea of the said defendant on the behalf aforesaid, by him pleaded, the said R. C. for our sovereign lord the king, saith, that he ought not to be barred from prosecuting the said indictment, by reason of any thing in the said plea above alledged, because protesting that he doth not acknowledge the said plea, in manner and form aforesaid pleaded, or any thing therein contained to be true, or in law sufficient in this respect for replication thereto, he saith, that the inhabitants of the said township of O. and K. aforesaid, from time whereof the memory of man is not to the contrary, have repaired and amended, and have been used and accustomed to repair and amend, and during all the time aforesaid, of right ought to have repaired and amended, and still of right ought to repair and amend the common highway aforesaid, so as aforesaid being in decay, when and so often as it hath been or shall be necessary, and that from time whereof

whereof the memory of man is not to the contrary, the respective owners and occupiers of the five several closes of land, lying in the township of O. and K. aforesaid, in the said plea in that behalf described and specified, have not severally repaired and amended, nor have been used and accustomed severally to repair and amend, nor still of right ought severally to repair and amend the respective parts of the said highway, so being in decay, which is and by the said plea are in that behalf respectively assigned and specified, when and so often as need hath required or shall require by reason of the respective tenure of their said several lands in manner and form by and in the said plea alledged; and this he prays may be inquired of by the country, and the defendant on the behalf of himself and the rest of the inhabitants of the townships of O. and K. except as in the said plea above-mentioned, doth so likewise.

G. Wood.

AND I. S. one of the inhabitants of the said parish of A. by A. B. his attorney, comes, and having heard the said indictment read to him on behalf of himself and the rest of the inhabitants of the said parish says, that he does not intend that our said lord the king will or ought any further to prosecute or impeach the inhabitants of the said parish on account of the said premises in the said indictment mentioned, because he says that true it is the said bridge is insufficient, broken, ruinous, and in great decay for want of due reparation and amendment, in manner and form as in and by the said indictment is above alledged; but the said J. S. further says, that the said highway, in the said indictment specified, did not at any time before the altering and enlarging of the said bridge, in the said indictment mentioned, in manner hereafter mentioned, pass over and extend unto the said bridge; and the said J. S. further says, that the said bridge before and until the altering and enlarging in manner hereinafter mentioned, was a common bridge of a certain width and length, to wit, yards in length, and yards in width and no more, erected, standing, and being upon and over the said water-courses in the said indictment mentioned, in a certain other king's highway in the parish aforesaid, leading between in the riding aforesaid, for all the subjects of our said lord the king to go, return, pass, ride, and travel upon, and over on *foot* and on *horse-back only*, but not in or with their coaches, carts, or carriages at all times of the year, at their free will and pleasure; and the said J. S. further says, that one P. J. esquire, afterwards, and before the said time, when, &c. to wit, on, &c. at his own expence altered and enlarged the said bridge, and made the same of much greater width and length than the same had been or been used to be at any time before, or until such altering or enlarging thereof, to wit, of the width and length in the said indictment specified; by reason whereof the said subjects of our said lord the king there were, and from thenceforth hitherto have been enabled to go, return,

turn, pass, ride, and travel, and have gone, &c. upon, and over the said bridge, not only on foot and on horseback, but also with their coaches, carts, and other carriages in a more easy and commodious manner than they before or until that time had been used or accustomed to do, at all times of the year, at their free will and pleasure; and the said J. S. further says, that the said highway, in the said indictment specified, after the altering and enlarging the said bridge in manner hereinbefore mentioned, to wit, on the day and year above-mentioned, was diverted and turned from and out of its former and more ancient course, to and unto and over the said bridge, and from thenceforth hitherto hath been carried and gone to and unto and over the same bridge, and the liege subjects of our said lord the king have during all the time last aforesaid, gone, returned, passed, rode, and travelled in and along the said highway, in the said indictment specified, and over the said bridge, not only on foot and on horseback, but also with their coaches, carts, and other carriages every year, at all times of the year, at their free will and pleasure, by reason whereof the said bridge became, and was and still is of much greater benefit and utility to the said subjects of our said lord the king, and particularly to the inhabitants within the said north riding of the said county, than the same had been before used to be or was, by reason of which premises, the inhabitants of the said north riding of the said county, always from the time of the said bridge being so altered and enlarged as aforesaid, and being so used as is last-mentioned, hitherto have repaired and amended, and have been liable to repair and amend, and during all that time of right ought to have repaired and amended the said bridge, when and so often as occasion hath required or shall require, *without* this, that the inhabitants of the parish ought to repair, &c. as in and by the said indictment is above alledged; and this the said J. S. for and on the behalf of himself and the rest of the inhabitants of the said parish is ready to verify; wherefore, &c. and that the aforesaid inhabitants of the said parish may be discharged of the premises in the said indictment contained, and dismissed therefrom by the said court.

Traverse that the inhabitants at large ought to repair.

Indictment against the inhabitants of a parish for not repairing the highway, but suffering the same to run to decay, whereby it was impossible to pass and repass.

SURRY, to wit. The jurors for our sovereign lord the king upon their oath present, that from time whereof the memory of man is not to the contrary, there was and yet is a certain common and king's highway, leading from the hamlet of Wallington, in the parish of Boddington, in the county of S. towards and unto the parish of Moresdon in the said county, which was from the time whereof, &c. used by all the liege subjects of our said lord the king and his predecessors, with their horses, coaches, carts, and carriages, to go, return, pass, ride, and labour at their respective will and pleasure, and that the said common and ancient king's highway, containing in length seven thousand two hundred feet, and in breadth thirty-three feet, on, &c. in the

the twenty-third, &c. and continually afterwards, until the day of the taking of this inquisition, at, &c. in, &c. was and yet is very ruinous, miry, deep, broken, and in such decay, for want of due reparation and amendment of the same, so that the liege subjects of, &c. through the same common and ancient king's highway with their horses, &c. could not during the time aforesaid, nor yet can go, &c. as they ought and were wont to do, without great danger of their lives and the loss of their goods, to the great danger and common nuisance of all the liege subjects, &c. in, by, and through the same common and ancient king's highway, going, returning, passing, riding, and labouring, and against the peace of our said lord the king, his crown and dignity; and that the inhabitants of the said parish of, &c. in, &c. the said common and ancient king's highway, so as aforesaid being in decay, ought to repair and amend, when and so often as it shall be necessary: And the jurors aforesaid, upon their oath 2d Count. aforesaid, do further present, that from the time whereof, &c. there was and yet is a certain other common, &c. leading from, &c. in, &c. towards, &c. which was from the time whereof, &c. used for all the liege subjects of, &c. with their horses, &c. to go, &c. at their respective will and pleasure, and that a certain part thereof *leading from a certain place called the Ryes, in the said parish of, &c. in, &c. to a certain gate called Lord Loughborough's Gate, containing in length five thousand two hundred feet, and in breadth thirty three feet,* on, &c. in the twenty-third, &c. and continually afterwards, until the day of the taking of this inquisition at, &c. in, &c. was and yet is very ruinous, &c. and in such decay for want of due reparation and amendment of the same, so that the liege subjects of, &c. through the same part of the said common, &c. last-mentioned, with their horses, &c. could not during the time aforesaid, nor yet can go, &c. as they ought and were wont to do, without great danger of their lives, and the loss of their goods, to the great danger and common nuisance of all the liege subjects of, &c. and through the same part of the said common, &c. last-mentioned, going, &c. and against the peace of our said lord the king, his crown and dignity; and that the said inhabitants of the said parish of, &c. in, &c. the same part of the said common, &c. being in decay, ought to repair and amend, when and so often as it shall be necessary. (3d Count like the second, only for another part of the way, "*leading from a certain other gate called Lord Loughborough's Gate, in the said parish of, &c. in, &c. towards the parish of Moresdon, containing in length two thousand feet, and in breadth thirty-three feet,*" instead of the part in Italic in the 2d Count.)

And now comes here William Haydon and John Hickerfon, two Plea as to part
of the inhabitants of the parish of, &c. in, &c. in the name of all of the road, that
the inhabitants of the parish of, &c. in their proper persons; and Lord L. (*ratione*
tenuræ) was
bound to repair,
and traverse that the inhabitants are bound,
having

having heard the said indictment, they the said William Haydon and John Hickerson, as well for themselves as for the rest of the inhabitants of the said parish, say, that the said highway in the said first Count of the said indictment mentioned, and the said highway in the second Count of the said indictment mentioned, and the said highway in the last Count of the said indictment mentioned, are one and the same highways, and not other or different highways; and the said William Haydon and John Hickerson further say, that our lord the now king will not nor ought any further to impeach, disturb, or prosecute the said inhabitants of the said parish on occasion of the premises, because as to part of the said highway in the said indictment specified and mentioned, and thereby supposed to be ruinous, miry, deep, broken, and in decay, for want of due reparation and amendment of the same, that is to say, three thousand seven hundred and fifty feet in length, and sixteen feet in breadth, in the said highway, commencing and beginning from Great Broad Close, in the said parish, and extending from thence in the said parish towards and unto the end of the said highway which opens into the road leading from Mitcham to Sutton, in the county aforesaid, they the said William Haydon and John Hickerson, for themselves and the rest of the inhabitants of the said parish say, that true it is that the said part of the said highway in this plea particularly mentioned and described, parcel, &c. situate, lying, and being in the said parish of, &c. as by the said indictment is above supposed: But the said William Haydon and John Hickerson, as well for themselves as for the rest of the inhabitants of the said parish, further say, that Alexander lord Loughborough, long before the said first day of November, in the twenty-third year aforesaid, in the said indictment mentioned, and during all the time mentioned in the said indictment, and whereby it is supposed that the said highway in the said indictment mentioned was ruinous, miry, deep, broken, and in great decay, for want of due reparation and amendment of the same, was and still is seised in his demesne as of fee of and in certain lands and tenements lying and being within the said parish of, &c. commonly called and known by the name of, &c.; and by reason of the tenure and occupation of the said lands and premises, with the appurtenances, the said Alexander lord Loughborough, during all that time, ought to have repaired and amended, and yet of right ought to repair and amend the said part of the said highway in this plea before particularly mentioned and described, parcel, &c. and in the said indictment mentioned to be ruinous, miry, &c. and in decay, for want of due reparation and amendment of the same when and as often as occasion hath required, without this, that the inhabitants of the parish of, &c. in, &c. the said part of the said common highway so as aforesaid being in decay, ought to repair and amend, when and so often as it should be necessary, as by the said indictment is above supposed; and this they the said W. H. and J. H. as well for themselves as for the rest of the inhabitants of the said parish are ready to verify: wherefore they pray judgment if our said lord the now king will or ought any further to impeach, disturb, or prosecute the said inhabitants of the parish of, &c.

&c. on occasion of the said premises : And as to the other part of the said highway in the said indictment specified and mentioned, and thereby supposed to be ruinous, &c. for want of due reparation and amendment of the same, that is to say, four hundred and fifty feet in length, and sixteen feet in breadth, commencing and beginning from the Rye Field, in the said parish, and extending from thence towards Tegg's Meadow, in the said parish, in the said highway, and parcel thereof, they the said W. H. and J. H. for themselves and the rest of the inhabitants of the said parish, say, that true it is that the said part of the said highway in this plea last particularly mentioned and described, parcel, &c. lying and being in the said parish of, &c. as by the said indictment is above supposed ; but the said W. H. and J. H. as well for themselves as for the rest of the inhabitants of the said parish, further say, that one John Hubert, long before the said first day of November, in the twenty-third year aforesaid in the said indictment mentioned, and during all the said time mentioned in the said indictment, and whereby it is supposed that the said highway in the said indictment mentioned was ruinous, &c. and in decay, for want of due reparation and amendment of the same, was and still is seised in his demesne as of fee of and in certain lands and tenements situate, lying, and being within the parish of, &c. commonly called and known by the name of, &c. ; and by reason of the tenure and occupation of the said lands and tenements, with the appurtenances, the said John Hubert, during all that time, ought to have repaired and amended, and yet of right ought to repair and amend the said part of the said highway in this plea particularly mentioned and described, parcel, &c. and in the said indictment mentioned to be ruinous, &c. and in decay, for want of due reparation and amendment of the same when and as often as occasion hath required, without this, that the inhabitants of, &c. in, &c. the said last-mentioned part of the said common highway being in decay, ought to repair and amend when and so often as it shall be necessary, as by the said indictment is above supposed ; and this they the said W. H. and J. H. as well for themselves as for the rest of the inhabitants of the parish aforesaid, are ready to verify : wherefore they pray judgment, &c. (as before) : And as to the other part of the said highway, &c. &c. two thousand feet in length, and sixteen feet in breadth, commencing, &c. and extending, &c. (like the preceding pleas, only in this the prescription that *Foster Reynolds* should repair *ratione tenuræ* of certain lands, &c. lying, &c. in, &c. commonly called, &c. with the appurtenances) : As to two thousand three hundred and fifty feet in length, and sixteen feet in breadth, commencing, &c. from, &c. and extending towards, &c. that Henry Byrne ought to repair by reason of his tenure of certain lands, &c. in, &c. commonly called, &c. with the appurtenances ; as to two hundred and thirty feet in length and sixteen feet in breadth, commencing, &c. and extending, &c. that James Scawen ought to repair *ratione tenuræ* of, &c. with the appurtenances ; as to one thousand feet in length and sixteen feet in breadth, commencing, &c. and extending, &c. that

William

William Hammond ought to repair *ratione tenuræ* of, &c. with the appurtenances; as to two thousand four hundred feet in length and sixteen feet in breadth, commencing, &c. and extending, &c. that George Taylor ought to repair *ratione tenuræ* of, &c. with, &c. &c.; as to two hundred and forty feet in length and sixteen feet in breadth, commencing, &c. and extending, &c. that William Andrews ought to repair, &c. &c. &c.

C. RUNNINGTON.

Replication to
the last plea;
issue on tra-
versé.

And Francis Lawson, esquire, clerk of the peace of the said county of S. who prosecuteth for our said lord the king in this behalf, as to the said plea of the said inhabitants by the said W. H. and J. H. in manner and form afore said first above pleaded, as to that part of the said highway therein particularly mentioned and described, being ruinous, &c. and in decay, for want of due reparation and amendment of the same, for our said lord the king saith, that the inhabitants of the parish of, &c. in, &c. the said part of the said common highway in that plea mentioned, so as afore said being in decay, ought to repair and amend, when and so often as it shall be necessary, as by the said indictment is above supposed; and this the said Francis Lawson, who prosecutes as afore said for our said lord the king, prays may be enquired of by the country, &c.; and as to the said plea of the said inhabitants by the said W. H. and J. H. in manner and form afore said secondly above pleaded, as to that part of the said highway therein particularly mentioned and described, being ruinous, &c. and in decay, for want of due reparation and amendment of the same, the said Francis Lawson, who prosecutes as afore said for our said lord the king, further saith, that the inhabitants of the parish of, &c. the said last-mentioned part of the said common highway so as afore said being in decay, &c. ought to repair and amend, when and so often as occasion shall require, as by the said indictment is above supposed; and this the said Francis Lawson, who prosecutes as afore said for our said lord the king, prays may be enquired of by the country, &c. (Take issue on the six other pleas in the same manner as the second.)

Record of an
indictment at
the assizes for
not repairing
highway.

SURRY, *ss.* Be it remembered, that at the session of our lord the king of oyer and terminer held for our said lord the king at G. in and for the county of Surry, on Wednesday the twenty-ninth day of July, in the nineteenth year, &c. before the right honourable William earl of Mansfield, chief justice of our said lord the king assigned to hold pleas before the king himself, and sir James Eyre, one of the barons of our said lord the king of his court of exchequer, and others their fellow justices of our said lord the king, assigned by letters patent of our said lord the king under his great seal of Great Britain to them and others, or any two of them, of whom one of them the said earl of Mansfield and Sir James Eyre our said lord the king willed should be one, directed to enquire more fully, by the oath of good and lawful men of the said county,

and

and by other ways, means, and methods by which they should or might better know, as well within liberties as without, by whom the truth of the matter may be the better known and inquired into, of all treasons, misprisions of treasons, insurrections, rebellions, counterfeittings, clippings, washings, false coinings, and other falsities of the money of Great Britain and other kingdoms or dominions whatsoever, and of all murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, and unlawful uttering of words, assemblies, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, champerties, deceits, and all other evil doings and offences and injuries whatsoever, and also the accessaries of them within the county aforesaid, as well within liberties as without, by whomsoever done, committed, or perpetrated, and by whom and to whom, when, how, and after what manner, and of all other articles and circumstances concerning the premises, and every of them, or any of them, in any manner whatsoever; and the said treasons and other the premises, according to the laws and customs of England, for this time to hear and determine by the oath of the honourable Thomas Onslow, esquire, &c. &c. &c. good and lawful men of the said county, now here sworn, and charged to enquire for our said lord the king for the body of the said county, it is presented in manner and form following, that is to say: Surry. The jurors for our lord the king, upon their oath present, The indictment; that from the time whereof, &c. there was and yet is a certain common and antient king's highway leading from the village of Trencham, in, &c. to the village of Puttenham, &c. and from thence to the town of Godalmin, in, &c. used for all the liege subjects of, &c. with their horses, coaches, carts, and carriages, to go, return, pass, ride, and labour, at their will and pleasure; and that a certain part of the said common and ancient king's highway called, &c. of the length of three hundred yards and of the breadth of eight feet, lying and being in the parish of Farnham, in, &c. on, &c. in the eighteenth year, &c. and continually afterwards until the day of the taking of this inquisition, at, &c. in, &c. was and yet is very miry, deep, broken, and in great decay, for want of a due reparation and amendment of the same, so that the liege subjects of, &c. through and along the said common and ancient king's highway there with their horses, &c. could not during the whole time aforesaid, nor yet can go, return, pass, ride, and labour as they have been used and accustomed to do, to the great damage and common nuisance of, &c. through and along the same common and ancient king's highway with their horses, &c. going, &c. and against the peace of our said lord the king, his crown and dignity: And that the inhabitants of the parish of Farnham aforesaid, in, &c. the said common and ancient king's highway, so as aforesaid being in decay, ought to have repaired and amended, and ought to repair and amend, but have not so done: *wherefore* the sheriff of the county of Surry is commanded that he do not omit

omit by any reason of any liberty in his bailiwick, but that he cause the inhabitants of the said parish of Farnham to answer the premises ; and afterwards, to wit, at the next sessions of our lord the king of oyer and terminer held for our said lord the king at Kingston-upon-Thames, in and for the said county of Surry, on, &c. in the nineteenth, &c. before Sir Henry Gould, knight, one of the justices of our said lord the king of his court of common pleas, and Sir W. B. knight, one other of the justices of the same court, and others their fellow justices of our said lord the king aforesaid, by letters patent, &c. &c. (as in the caption of the indictment to this mark ÷, only altering the names of the judges): And the sheriff of the county aforesaid returned to the said last-mentioned justices here that he had summoned the said inhabitants of the said parish of Farnham to answer the premises ; but the said inhabitants of the said parish, &c. do not come before the said last above named justices of our said lord the king here to answer the premises : wherefore the sheriff of the county of Surry is commanded that he do not omit by reason of any liberty in his bailiwick, but that he distrain the inhabitants of the said parish of Farnham, in, &c. by all their lands and chattels in his bailiwick, so that neither they nor any for them do lay their hands thereto until he shall have other command from our said lord the king concerning the same, and that he answer our said lord the king concerning the issues thereof, so that he may have the bodies of the said inhabitants of the said parish of Farnham at the next session of oyer and terminer of our said lord the king to be held for the county aforesaid to answer the premises ; and afterwards, to wit, at the next session of our said lord the king of oyer and terminer held for our said lord the king at Croydon, in and for the county aforesaid, on, &c. in the nineteenth year aforesaid, before the said William earl of Mansfield and W. H. A. knight, one of the justices of our said lord the king, &c. &c. &c. (as in the caption of the indictment to this mark ÷, only varying the names and description of the judges) come William Shotter and Samuel Jackson, two of the inhabitants of the parish of Farnham aforesaid, in the name of all the inhabitants of the said parish, by Charles Jemmett their attorney ; and having heard the said indictment read, they the said W. S. and S. J. as well for themselves as for all the inhabitants of the said parish of Farnham, say, that our said lord the king will not nor ought any further to impeach the said inhabitants of the said parish on occasion of the premises, because protesting that the same indictment, and the matters therein contained in manner and form as the same are above made and set forth, are insufficient in law to compel the said W. S. and S. J. and the rest of the inhabitants of the said parish of Farnham to make any answer thereto ; protesting also that the said highway is not nor ever was any part thereof in the said parish of Farnham, as by the said indictment is above alledged ; protesting also that the said highway or any part thereof was not nor is miry, deep, broken, and in great decay, for want of due reparation and amendment of the same,

Plea.

as by the said indictment is also alledged ; for plea in this behalf the said W. S. and S. J. for themselves and the rest of the inhabitants of the aforesaid parish of Farnham say, that Sir R. R. baronet, long before the said first day of, &c. in the said indictment mentioned, and during all the said time in the said indictment, and wherein it is thereby supposed that the said highway mentioned in the said indictment was miry, &c. for want of due reparation and amendment of the same, was and still is seised in his demesne as of fee of and in a certain farm, consisting of a messuage and divers, to wit, two hundred acres of land, with the appurtenances, within the parish of Farnham aforesaid, in, &c. called and known by the name of, &c.; and by reason of the tenure of the said farm, he the said Sir R. R. during all the said time ought to have repaired and amended, and yet ought to repair and amend the said highway in the said indictment mentioned to be miry, &c. for want of due reparation and amendment of the same as often as occasion hath required, without this, that the inhabitants of the said parish of Farnham have repaired and amended, and ought to repair and amend the said highway, as by the said indictment is above also alledged ; and this they are ready to verify : wherefore they pray judgment if our said lord the now king will or ought further to impeach the said W. S. and S. J. and the rest of the inhabitants of the said parish of Farnham, or any of them, on occasion of the premises.

And Jerome Knapp, esquire, clerk of the assizes for the county Replication; aforesaid, who prosecutes for our said lord the king in this behalf, saith, that the said W. S. and S. J. for themselves and the rest of the inhabitants of the said parish of Farnham, ought not to have judgment upon their plea in this behalf in manner and form above pleaded, because admitting that Sir R. R. long before the said first day of, &c. in the said indictment mentioned, and during all the time mentioned in the said indictment that the said highway was in decay for want of due reparation and amendment of the same, was seised in his demesne as of fee of and in a certain farm, consisting of a messuage and divers, to wit, two hundred acres of land, with the appurtenances, within the parish of Farnham aforesaid, in, &c. called and known by the name of, &c. ; yet protesting that by reason of the tenure of the said farm the said Sir R. R. during all the said time in the said indictment mentioned, ought not to have repaired and amended the same, nor yet ought to repair and amend the said highway in the said indictment mentioned to be in decay, the said Jerome Knapp for replication in this behalf saith, that the inhabitants of the said parish of Farnham have repaired and amended, and ought to repair and amend the said highway in the said indictment, as by the said indictment is above alledged ; and of this the said Jerome Knapp, who prosecuteth for our said lord the king in this behalf, puts himself upon the country ; and the said W. S. and S. J. on behalf of themselves and the rest of the inhabitants of the said parish of Farnham, do the like : therefore, &c. &c.

Indictment against the bailiffs of a town, for suffering the highway and a street to run to decay, whereby it was impossible to pass and repass, &c.

SURRY, ff. The jurors for our lord the king upon their oath present, that from time whereof, &c. there was and yet is a king's common highway and public street in the town of Kingston-upon-Thames, in the county of Surry, called Thames-street, used for all the liege subjects of, &c. with their horses, coaches, carts, and carriages, to go, return, pass, ride, and labour at their will and pleasure; and that a certain part of the said king's common highway and public street, known by the name of, &c. lying and being in the parish and town of Kingston-upon-Thames aforesaid, in the said county of Surry, to wit, beginning at the east end of a certain bridge there situate called Kingston Bridge, and continuing unto and ending at a certain house on the south side of the said king's common highway and public street, known by the name of the Rose and Crown, and in the occupation of John Hayes, containing in length one hundred and eighty-five feet, and in breadth ten feet, on, &c. in the twentieth, &c. and continually from thence until the day of the taking of this inquisition, was and yet is ruinous, broken, and in great decay, for want of due reparation and amendment of the same, so that the liege subjects of our said lord the king along and through that part of the said king's common highway and public street with their horses, &c. could not during the time aforesaid; nor yet can go, return, pass, ride, and labour as they were used and accustomed and ought to do, to the great damage and common nuisance of all the liege subjects of our said lord the king along and through that part of the said king's common highway and public street there going, returning, passing, riding and labouring, and against the peace of our said lord the king, his crown and dignity; and that Thomas Waterhouse, esquire, and John Rockwell, gentleman, bailiffs of the town of Kingston-upon-Thames aforesaid, in the said county of S. by reason of their enjoying and receiving certain toll and quit rents within the town and county aforesaid, the said part of the said king's common highway and public street, so as aforesaid being ruinous, broken, and in great decay, ought to have repaired and amended, and ought to repair and amend, but have not so done, &c. to the great damage, &c.

For not repairing a bridge, part thereof being in one parish and part in another, against the lord of the manor, who (*ratione tenuræ*) was bound to repair the one part, and the inhabitants of the parish, who ought to repair the other.

MIDDLESEX, ff. The jurors for our sovereign lord the king upon their oath present, that from time whereof, &c. there hath been and still is an ancient common and public bridge, called Brim Bridge, situate part thereof in the parish of Hendon, in the county of Middlesex, and the residue thereof in the parish of Willelston, in the said county of Middlesex, over a certain water-course or stream of water, in the king's common highway, leading from a certain place called, &c. in the said parish of Willelston, in the said county of Middlesex, to the said parish of Hendon, in the same county (the said highway being now, and from time whereof, &c.) having been a common king's highway for all the liege subjects of, &c. with their horses, cattle, waggons, carts, and other carriages, to go, return, pass and repass, ride and labour, at their own free will and

and pleasure; and that the said bridge, on, &c. in the fourteenth year, &c. by the grace of God, &c. and continually afterwards until the day of the taking this inquisition, to wit, at the several and respective parishes of Hendon and Willefdon aforefaid, in the said county of Middlesex, was and still is in great decay, broken, and ruinous, for want of repairing and amending thereof, so that the liege subjects of, &c. with their horses, &c. over the said bridge could not during all or any part of that time, nor yet can go, return, pass and repass, ride and labour, as they were wont and accustomed to do, without great danger of their lives and loss of their goods, to the great damage and common nuisance of all the liege subjects of, &c. over the said bridge going, returning, passing and repassing, riding and labouring, and against the peace of our said lord the now king, his crown and dignity; and that David Garrick, late of the parish of, &c. in the county of Middlesex, esquire, lord of the manor of Hendon, in the said county of Middlesex, by reason of his tenure of the said manor, and of certain lands in the said parish of Hendon, in the said county of Middlesex, ought to repair and amend the said part of the said bridge so being in the said parish of Hendon when and so often as need hath been or shall be or require, and hath not done it, &c.; and that the parishioners and inhabitants of the parish of Willefdon, in the said county of Middlesex, ought to repair and amend the said part of the bridge, so being in the said parish of Willefdon, when and so often as need hath been or shall be or require, and have not done it, &c. to the great damage and common hurt aforefaid, and against the peace of our said lord the king, his crown and dignity.

SURRY, *ff.* The jurors for our sovereign lord the king upon their oath present, that there now is, and from time whereof, &c. there hath been a certain common and public king's highway, leading from, &c. in, &c. towards and unto the town of, &c. in, &c. for all the liege subjects of, &c. to go, ride, pass and repass in and along the said highway, and to use the same by themselves and with their horses, carts, and carriages, at their free will and pleasure: And the jurors aforefaid, upon their oath aforefaid, do further present, that a certain part of the said common and public highway, situate, &c. in, &c. that is to say, a certain part of the said highway called, &c. containing in length fifty feet or thereabouts, in breadth forty feet or thereabouts, on, &c. in the year of the reign, &c. was, and from thence continually afterwards until the day of taking this inquisition, at the said parish of, &c. in, &c. hath been and still is ruinous, miry, broken, and in great decay, for want of needful and necessary reparation and amendment thereof, insomuch that the liege subjects of our said lord the now king could not at any time during the time last aforefaid, nor can they now go, ride, &c. in and along the said common and public king's highway, by themselves, or with their horses, carts, or

Indictment against the inhabitants of a parish for suffering part of a road to be ruinous and in decay, whereby it was impossible to pass and repass.

carriages, or use the said highway as they were before used and accustomed to do, and during all the time aforesaid of right ought to have done, and still of right ought to do, to the great damage and common nuisance of all the liege subjects of our lord the king going, riding, passing, and repassing in and along the said common and public king's highway, and having occasion to use the same: And the jurors aforesaid, upon their oath aforesaid, do further present, that the inhabitants of the said parish of, &c. in the county of Surry, the said common and public king's highway so being ruinous and in decay as aforesaid, of right ought to repair and amend, when and as often as it shall or may be necessary.

C. RUNNINGTON.

Plea to an indictment against a parish for not repairing an highway, that road is in repair, after a *protestando* against the parish being liable to repair a particular part of it.

THE KING
against

THE INHABITANTS OF WESTHAM.

parish, by E. F. their attorney; and having heard the said indictment read, they the said A. B. and C. D. as well for themselves as for the rest of the inhabitants of the said parish of Westham, say, that our lord the now king will not nor ought to any further impeach the said inhabitants of the said parish on occasion of the premises in the said indictment specified, because protesting that the said indictment, and the matters therein contained, in matter and form as the same are above set forth, are insufficient in law to compel the said inhabitants of the said parish of Westham to make any answer thereto; protesting also, in respect to a part of the said highway in the said indictment mentioned, and thereby supposed to be ruinous, miry, deep, broken, and in decay, for want of due reparation and amendment of the same, that is to say, so much thereof as lies between the said place called, &c. in the said indictment mentioned and the end and extremity of the said lane called, &c. in the said indictment mentioned, which borders upon and adjoining to a certain land called, &c. in the said parish of Westham and county of Essex, that the said inhabitants of the said parish of Westham ought not nor ever did repair and amend such part of the said highway, or any part thereof, as in and by the said indictment is alledged and supposed: for plea in this behalf the said A. B. and C. D. for themselves and the rest of the said parish of Westham, say, that the said part of the said highway in the said indictment, and thereby alledged and supposed to be ruinous, deep, miry, broken, and in decay, for want of due reparation and amendment of the same, during all the time in the said indictment mentioned was and still is in good repair, without this, that such part of the said highway, or any part thereof, was and still is ruinous, &c. and in decay, for want of due reparation or amendment of the same, as by the said indictment above is supposed; and this they the said A. B. and C. D. are ready to verify: wherefore they pray judgment if our said lord the king will or ought to impeach them the said A. B. and C. D. and the rest of the inhabitants of the

AND now come here
A. B. and C. D. two of

the inhabitants of the said

the

the said parish of Westham, or any or either of them any further on occasion of the premises in the said indictment specified.

V. LAWES.

THE KING
against

THE INHABITANTS OF SIDWELL.

AND Richard Mad-
dock, esquire, coroner, and
attorney of our said lord
the king in the court of our said sovereign lord the king, before
the king himself, who in this particular prosecutes for our said
sovereign lord the king, saith, that the plea aforesaid by the said
N. P. and R. H. two of the inhabitants of the said parish of S.
in manner aforesaid pleaded, and the matter therein contained, are
not sufficient in law to bar his said majesty from having a conviction
against the said inhabitants in this behalf; and this he is ready
to verify: wherefore for want of a sufficient plea in this particular,
he prays judgment, and that the said inhabitants of the said parish of
S. may be convicted of the premises above specified in the said
indictment.

Demurrer by the
king against the
inhabitants of
a parish after an
insufficient plea
pleaded by them
to an indictment
for not repairing
the highways.

SURRY, ff. The jurors for our lord the king upon their oath
present, that from time whereof the memory of man is not to the
contrary, until the obstruction thereof hereafter mentioned there
hath been, and from the time of such obstruction hitherto there
ought to have been, and still of right ought to be, a certain com-
mon and ancient highway leading from the public and common
street in the village of Battersea, in the county of Surry, down to
a certain public navigable river called the Thames, in the said
county, for all the liege subjects of our said lord the king and his
predecessors, kings and queens of Great Britain and England,
respectively to go, return, pass, repass, ride, and labour, on foot
and on horseback, and with their cattle and carriages, at their free
will and pleasure; and that on, &c. in the twelfth year, &c. at the
parish of B. aforesaid, in the said county, a certain building and
erection of great length, breadth, and height, to wit, of the length
of ninety feet, of the breadth of ten feet, and of the height of
ten feet, was and before had been built, erected, and fixed in and
upon the said common and ancient highway by certain persons to
the jurors aforesaid as yet unknown, whereby the said common and
ancient highway was obstructed and stopped up, so that the
liege subjects of our said lord the king by the same way, on foot
and on horseback, and with their cattle and carriages, could not
then go, pass, repass, &c. as they had been used and accustomed to
do; and that Priscilla Gillard, late of the parish of B. aforesaid,
in, &c. widow, the said building and erection so as aforesaid built,
erected, and placed in and upon the said common and ancient
highway, on the said first day, &c. in the twelfth, &c. and from
thence until the day of taking this inquisition, with force and arms,
at, &c. in, &c. unlawfully and injuriously did keep, maintain, and

Indictment a-
gainst a person
for continuing
and keeping a
building on the
highway,
whereby people
were hindered
from passing and
repassing, &c.
&c.

2d Count, building a wall.

3d Count, digging up and subverting and placing materials for building.

continue, and still doth keep, maintain, and continue, whereby the said common and ancient highway during the time aforesaid hath been and yet is obstructed and stopped up, so that the liege subjects of our said lord the now king, during all that time, have been and still are hindered and obstructed in passing and repassing, riding and labouring, on foot and on horseback, and *with* their cattle *and carriages*, in, through, and along the said common and ancient highway as aforesaid, to the great damage and common nuisance of all the liege subjects of our said lord the king through the same highway going, returning, passing, repassing, riding, and labouring, on foot and on horseback, *with* their cattle *and carriages*, to the evil example of all others in the like case offending, and against the peace of our lord the now king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof the memory of man is not to the contrary, until the obstruction thereof hereafter mentioned there has been, and from the time of such obstruction hitherto there ought to have been, and still ought to be, a certain other common or ancient highway leading from the common and public street in, &c. to the said river called, &c. in, &c. for all the liege subjects of, &c. respectively to go, return, &c. with their cattle and carriages, at their free will and pleasure; and that the said P. G. widow, on, &c. in the twelfth, &c. with force and arms, at, &c. in, &c. unlawfully and injuriously did cause to be built, &c. a certain wall of a certain great length, breadth, and height, to wit, of the length, &c. in and upon the said last-mentioned common and ancient highway: and the same wall so built, &c. in and upon the said last-mentioned common and ancient highway there as aforesaid did unlawfully and injuriously, with force and arms, keep, maintain, and continue, from, &c. for a long time, to wit, for the space of sixty days then next following, whereby the said last-mentioned common and ancient highway, &c. &c. (conclude as in first Count). And the jurors aforesaid, upon their oath aforesaid, &c. &c. (3d Count like the second to the offence); and that the said P. G. on, &c. in the twelfth, &c. with force and arms, at, &c. unlawfully and injuriously did dig up and subvert, and did cause to be dug up and subverted, great part of the said last-mentioned common and ancient highway, to wit, sixty yards in length, and one yard in breadth, and four feet in depth, of the said last-mentioned common and ancient highway, and unlawfully and injuriously did then and there lay down and place, and cause to be thrown down, laid, and placed, divers large quantities of bricks, stones, and lime, to wit, twenty hundred loads of brick, twenty, &c. stone, and twenty, &c. lime, in and upon the said last-mentioned common and ancient highway, and the same part of the said last-mentioned highway to dig up and subvert, and the said bricks, stones, and lime so thrown, laid down, and placed there, with force and arms did unlawfully and injuriously keep, maintain, and continue, from the same day and year last aforesaid for a long time, to wit, until the day of the taking of this inquisition, whereby the said last-mentioned

mentioned common and antient highway, &c. &c. (as before.) And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof, &c. there hath been and yet is a certain other common, &c. *commonly called a pack and prime way*, leading from the common and public street in the village of B. in, &c. down to the said river called, &c. in, &c. for all the liege subjects of, &c. respectively, *on foot and on horseback*, to go, return, pass, repass, ride and labour, and to drive their cattle, at their free will and pleasure; and that, on, &c. in the twelfth, &c. at, &c. in, &c. a certain building and erection, of great length, breadth, and height, to wit, of the length of, &c. was and before had been built, erected, and placed in and upon the said last-mentioned common and ancient highway, there by certain persons to the jurors aforesaid as yet unknown; whereby the said last-mentioned common and ancient highway was obstructed and stopped up, so that the liege subjects of, &c. by the same highway last mentioned on foot and on horseback could not then go, &c. and drive their cattle as they had been accustomed to do: And that the said P. G. the said building and erection last mentioned as last aforesaid, built, &c. in and upon the said last-mentioned highway, on, &c. in the twelfth year, &c. and from thence until the day of the taking this inquisition, with force and arms, at, &c. in, &c. unlawfully and injuriously did keep, &c. and still doth keep, &c. whereby the said last-mentioned highway, during the time last aforesaid, hath been, and yet is obstructed and stopped up, so that the liege subjects of, &c. during all that time have been, and still are hindered and obstructed in passing and re-passing, riding, and labouring on foot and on horseback, and driving their cattle in, through, and along the said last mentioned highway as aforesaid, to the great damage and common nuisance of, &c. through the same last-mentioned highway, going, returning, passing, riding, and labouring on foot and on horseback, and driving their cattle, to the evil example, &c. &c. (as before.) (5th and 6th Counts like the 2d and 3d, only with the same alterations as between the 1st and 4th). And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof, &c. there hath been, and yet is a certain common and ancient *foot-way*, leading from the common and public street in, &c. down to the said river, called, &c. for all the liege subjects of, &c. respectively to go, &c. at all times at their free will and pleasure: And that on, &c. in the twelfth, &c. at, &c. in, &c. a certain building and erection of a great length and breadth, to wit, of the length of, &c. was and before had been built, erected, and placed in and upon the said last-mentioned *foot-way*, there by certain persons to the jurors aforesaid as yet unknown, whereby the said last-mentioned foot-way was obstructed and stopped up, so that the liege subjects of our said lord the now king, by the same way last mentioned, on foot could not then go, return, pass and repass, and labour as they had been used and accustomed to do: And that the said P. G.

4th Count, calling it a pack and prime way.

7th Count, foot-way.

&c. &c. (as in the 4th Count, omitting or altering the words in *Italic*, so as applicable to a footway only; 8th and 9th counts like the 2d and 3d with the same alterations as between the 1st and 7th.)

G. WOOD.

As the indictment is very long, I with the 2d, 5th, and 8th Counts were omitted, that is, if they are designed for the old building, or any building not built by the defendant.

Indictment at the quarter sessions, for not repairing a highway, setting out the particular parts of the road out of repair, and that the inhabitants of a particular town are liable to repair them.

LANCASHIRE, to wit. The jurors of our lord the king upon their oath present, that from the time whereof the memory of man is not to the contrary, there was and yet is a common and ancient king's highway, leading from the village or town of Heytham, in the county of Lancaster, towards and unto the market town of Lancaster, in the county of Lancaster aforesaid, used for all the liege subjects of our said lord the king and his predecessors, with their horses, coaches, carts, and carriages to go, return, pass, ride, and labour at their will and pleasure, and that a certain part of the said king's common highway situate, lying, and being in the parish of Lancaster, in the county of Lancaster aforesaid, beginning at a certain place there called or known by the name of Grindle Stone Turn, otherwise Grinding Stone Turn, and ending at a certain other place, there called or known by the name of White Lund Stile, and containing in length one thousand two hundred yards, or thereabouts, and in breadth eight yards or thereabouts, on the first day of February, in the thirty-first year of the reign of our said sovereign lord king George the Third, and continually afterwards until the day of the taking this inquisition, was and yet is ruinous, foundering and in great decay, for want of due reparation and amendment of the same, so that the subjects of our said lord the king, passing and travelling through the same with their horses, coaches, carts, and carriages, could not during the time aforesaid, nor yet can go, return, pass, ride, and labour without great danger, to the great damage and common nuisance of all the liege subjects of our said lord the king passing through that way, and against the peace of our said lord the king, his crown and dignity; and that the inhabitants of the said parish of Lancaster, in the said county of Lancaster, the common highway aforesaid, so aforesaid being in decay, ought to repair and amend, when and so often as it shall be necessary.

THE KING

v.

THE INHABITANTS OF THE PARISH OF LANCASTER.

Plea by two parishioners that particular persons whose estates lay near the highway are liable to repair them.

And Thomas Heatno and Abraham Seward, two of the inhabitants of the parish of Lancaster aforesaid, for themselves and the rest of the inhabitants of the said parish (Richard Hall, Richard Thompson, James Beckett, George Greenwood, Edward Hornby, James Hargreaves, George Hargreaves, Thomas Jackson, and Richard Evan, excepted), came here into court, and having had

oyer

over of the said indictment, say, that they and the rest of the inhabitants of the said parish (except as before excepted) ought not by reason of the premises to be further prosecuted, because as to part of the said highway in the said indictment described to be in decay, containing in length one thousand and sixty-eight yards or thereabouts, and in breadth four yards or thereabouts, they say that the same adjoins on the South side thereof to certain land in the same parish, in the occupation of Richard Hall, and that the said Richard Hall by reason of his tenure of such land ought to repair and amend such part of the said highway as adjoins to his said land, from his said land to the middle of the said highway, being in length and breadth as aforesaid or thereabouts, when and so often as there should be occasion, as the said Richard Hall and all those who hold the said land for the time being, from time whereof the memory of man is not to the contrary, ought and were used and accustomed, and of right ought to do, and as the said Richard Hall still of right ought to do, and as to another part of the said highway, so supposed to be in decay, containing in length eighty-four yards or thereabouts, and in breadth four yards or thereabouts, they say, that the same on the South side thereof adjoins to certain other land in the said parish, also in the occupation of Richard Hall, and that the said Richard Hall, by reason of his tenure of such last-mentioned land, ought to repair and amend such part of the said highway as so adjoins to his said last-mentioned land, from his said last-mentioned land to the middle of the said highway, being in length and breadth as last-aforesaid or thereabouts, when and as often as there should be occasion, as the said Richard Hall, and also those who held the said last-mentioned land for the time being, from time whereof the memory of man is not to the contrary, ought and were used and accustomed, and of right ought to do; and as to another part of the said highway, so supposed to be in decay, to wit, a certain part on the north-west side thereof, containing in length eighteen yards or thereabouts, and in breadth four yards or thereabouts, they further say, that the same adjoins to certain land in the occupation of George Greenwood, and that the said George Greenwood, by reason of his tenure of such last-mentioned land, ought to repair and amend such part of the said highway last above described, so supposed to be in decay, as adjoins to his said land, from his said land to the middle of the said highway, containing in length and breadth as aforesaid or thereabouts, when and as often as there should be occasion, as the said George Greenwood, and all those who held the said last-mentioned land for the time being, from time whereof the memory of man is not to the contrary, ought and were used and accustomed, and of right ought to do, and the said George Greenwood still of right ought to do, and as to other parts of the said highway, so supposed to be in decay, that is to say a certain part on the north side thereof, containing in length thirty-eight yards or thereabouts, and in breadth four yards or thereabouts, and a certain other part on the west side

side thereof, containing in length fifty-five yards or thereabouts, and in breadth four yards or thereabouts, they further say that the same adjoins to certain lands in the occupation of Edward Hornby, and that the said Edward Hornby, by reason of his tenure of such lands, ought to repair and amend those parts of the said highway last above described, so supposed to be in decay, from his lands to the middle of the said highway, being in length and breadth as last-
aforesaid or thereabouts, when and as often as there should be occasion, as the said Edward Hornby and all those who held the said last-mentioned lands for the time being, from time whereof the memory of man is not to the contrary, ought and were used and accustomed, and of right ought to do, and the said Edward Hornby still of right ought to do; and as to another part of the said highway so supposed to be in decay, that is to say a certain part on the north side thereof, containing in breadth four yards or thereabouts, and in length forty-two yards or thereabouts, they further say, that the same adjoins to certain land in the occupation of Thomas Jackson and Richard Evan, and that the said Thomas Jackson and Richard Evan, by reason of their tenure of such land, so adjoining to the north side of the said highway, ought to repair and amend that part of the said highway last above described, so supposed to be in decay, to the middle of the said highway, being in length and breadth as last aforesaid or thereabouts, when and as often as there should be occasion, as the said Thomas Jackson and Richard Evan, and all those who held the said last-mentioned land, for the time being, from the time whereof the memory of man is not to the contrary, ought and were used and accustomed, and of right ought to do, and the said Thomas Jackson and Richard Evan still of right ought to do; and as to another part of the said highway so supposed to be in decay, that is to say, a certain other part on the north side thereof, containing in breadth four yards or thereabouts, and in length three hundred and seventy-one yards or thereabouts, they further say that the said part of the said highway adjoins to certain land in the occupation of Richard Thompson, and that the said Richard Thompson, by reason of his tenure of such land so adjoining to the north side of the said highway, ought to repair and amend that part of the said highway last above described, so supposed to be in decay, to the middle of the same highway, being in length and breadth as last aforesaid or thereabouts, when and so often as there should be occasion, as the said R. T. and all those who held the said last-mentioned land for the time being, from time whereof the memory of man is not to the contrary, ought and were used and accustomed, and of right ought to do, and the said Richard Thompson still of right ought to do: And as to another part of the said highway so supposed to be in decay, that is to say, a certain other part on the north side thereof, containing in breadth four yards or thereabouts, and in length seven hundred and thirty yards or thereabouts, they further say that the same adjoins to certain land in the same parish, in the occupation of James Hargreaves and George Hargreaves, and that

the said J. H. and G. H. by reason of their tenure of such last-mentioned land adjoining the north side of the said highway, ought to repair and amend that part of the said highway last above described, so supposed to be in decay, to the middle of the said highway, being in length and breadth as last aforesaid, or thereabouts, when and as often as there should be occasion, as the said J. H. and G. H. and all those who held the said last-mentioned land, for the time being, from time whereof the memory of man is not to the contrary, ought and were used and accustomed, and of right ought to do, and the said J. H. and G. H. still of right ought to do: And as to the residue of the said highway so supposed to be in decay, containing in length one hundred and fifty-two yards or thereabouts, and in breadth four yards or thereabouts, they say, that the same on the north and west sides thereof, adjoins to certain lands in the same parish, in the occupation of James Beckett, and that the said James Beckett by reason of his tenure of such lands ought to repair and amend the said one hundred and fifty-two yards of the said highway, last above described, so supposed to be in decay, from his said lands to the middle of the same highway, being in length and breadth as last aforesaid or thereabouts, when and as often as there should be occasion, as the said J. Beckett, and also those who held the said last mentioned land, for the time being, from time whereof the memory of man is not to the contrary, ought and were used and accustomed, and of right ought to do, and the said J. B. still of right ought to do, without this, that the inhabitants of the parish of Lancaster aforesaid, the common highway aforesaid, the said indictment mentioned to be in decay as aforesaid, ought to repair and amend, when and so often as it shall be necessary, in manner and form as in and by the said indictment is above supposed; and this they the said Thomas Heaton and Abraham Seward are ready to verify; wherefore they pray judgment if they and the rest of the inhabitants of the said parish of Lancaster (except as before excepted) ought to be further prosecuted by reason of the not repairing and amending of the said highway.

G. WOOD.

Easter Term, 6. Geo. III.

BE it rememered, that at the session of our lord the king of
 oyer and terminer held for our said lord the king at Kingston upon
 Thames, in and for the county of Surry, on Wednesday the nine-
 teenth day of March, in the sixth year of the reign of our sovereign
 lord George the Third, by the grace of God now king of Great
 Britain, &c. before Sir Edward Clive, knight, one of the justices
 of his majesty's court of common pleas, and Sir Sydney Stafford
 Smythe, knight, one of the barons of his majesty's court of Ex-
 chequer, and others their fellows, justices of our said lord the
 king, assigned by letters patent of our said lord the king, under
 his great seal of Great Britain, to them and others or any two of
 them

Record of an in-
 dictment for a
 nuisance, in not
 repairing a
 bridge, and that
 a particular per-
 son is liable to
 repair it.

them (of whom one of them the said Sir Edward Clive and Sir Sidney Stafford Smythe, our said lord the king would should be one), to enquire more fully the truth by the oaths of good and lawful men of the said county, and by other ways, means, and methods, by which they should or might better know (as well within liberties as without) by whom the truth of the matter may be the better known and enquired into of all treasons, misprisions of treasons, insurrections, rebellions, counterfeittings, clippings, washings, false coinings, and other falsities of the money of Great Britain, and other kingdoms and dominions whatsoever, and of all murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, assemblies, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, champerties, deceits, and all other evil doings, offences, and injuries whatsoever; and also all the accessaries of them within the county aforesaid (as well within liberties as without), by whomsoever and in what manner soever done, committed, or perpetrated, and by whom or to whom, when, how, and after what manner, and of all other articles and circumstances concerning the premises, and every of them, or any of them, in any manner whatsoever, and the said treasons, and other the premises, according to the laws and customs of England, for this time to hear and determine by the oath of twelve jurors, good and lawful men of said county of Surry, then and there sworn and charged to enquire for our said lord the king for the body of the said county, it is presented as followed (that is to say), Surry, *ff.* The jurors for our sovereign lord the king upon their oath present, that there is, and from time whereof the memory of man is not to the contrary, there hath been a certain public and common bridge in the parish of Godalmin, in the said county of Surry, over the river Wey, otherwise Wye, tho' commonly called Ealshing Bridge, situate in the king's common highway, leading from the town of Godalmin, in the said county of Surry, to the town of Farnham, in the same county, for all the liege subjects of our said lord the king and his predeceffors, to go, return, ride, and travel on horseback, and with their cattle, carts, and carriages, upon, along, and over at their will and pleasure, and that the said public and common bridge, on the the first day of July, in the fifth year of the reign of our sovereign lord George the Third now king of Great Britain, &c. and from thence continually afterwards until the day of taking this inquisition, was and yet is ruinous, in decay, and out of repair, and insufficient, and without any parapet building, erection, or defence whatever, on the sides thereof, to prevent horses and other cattle, carts, and carriages going, returning, passing, and travelling upon, along, and over the said bridge, from falling from thence into the said river, so that the liege subjects of our said lord the king could not during all the time last-abovementioned, nor yet can go, return, ride, and travel upon, along, and over the said bridge, without great danger of their lives, and loss of their horses and other

The indictment.

other cattle, carts, and carriages, to the great damage and common nuisance of all the liege subjects of our said lord the king going and returning, riding and travelling upon, along, and over the said bridge, and against the peace of our said lord the king, his crown and dignity: And that Thomas More Molyneux, late of the parish of Saint Nicholas, in Guildford, in the said county of Surry, esquire, by reason of the tenure of his manor of Godalmin, in the said county, ought, when and as often as it shall be necessary, to repair and amend the said bridge, and to make the same sufficient, safe, and secure, so that the liege subjects of our said lord the king may pass, repass, ride, and travel upon, along, and over the said bridge, without danger of their lives or loss of their horses, and other cattle, carts, and carriages. And the jurors aforesaid, upon their oath aforesaid, do further present, that there now is, and from time whereof the memory of man is not to the contrary, there hath been a certain other public and common bridge in the said parish of Godalmin, in the said county of Surry, over the river Wey, otherwise Wye, tho' commonly called Eashing Bridge, situate in the king's common highway, leading from the town of Godalmin, in the said county of Surry, to the town of Farnham, in the same county, for all the liege subjects of our said lord the king and his predecessors, to go, return, ride, and travel on horseback, and with their cattle, carts, and carriages, upon, along and over at their will and pleasure; and that the said last-mentioned public and common bridge, on the said first day of July, in the said fifth year of the reign of our sovereign lord George the Third, now king of Great Britain, and from thence continually afterwards, until the day of taking this inquisition, was and yet is insufficient and without any parapet building, erection, or defence whatsoever on the sides thereof, to prevent horses and other cattle, carts and carriages going, returning, passing, and travelling upon, along, and over the said bridge, from falling from thence into the said river, so that the liege subjects of our said lord the king could not during the time last above mentioned, nor yet can go, return, ride, and travel upon, along, and over the said bridge without great danger of their lives and loss of their horses, and other cattle, carts, and carriages, to the great damage and common nuisance of all the liege subjects of our said lord the king going, returning, riding, and travelling upon, along, and over the said bridge, and against the peace of our said lord the king, his crown and dignity: And that the said Thomas More Molyneux, by reason of the tenure of certain lands and tenements of him the said Thomas More Molyneux, situate, lying, and being within the hundred of Godalmin in the said county, ought, when and as often as it shall be necessary, to repair and amend the said bridge, and to make the same sufficient, safe, and secure, so that the liege subjects of our said lord the king may pass, repass, ride, and travel upon, along, and over the said bridge, without danger of their lives, and loss of their horses and other cattle, carts, and carriages, &c. &c. &c.

ESSEX,

Presentment by commissioners of sewers for not repairing part of a wall which was blown up by the spring tides, and which defendant, by reason of his tenure, was bound to repair.

The presentment.

ESSEX, MIDDLESEX, and KENT, *ss.* Be it remembered, that by and at a special session and court of sewers duly held for the limits of the levels of Havering, Dagenham, Ripple, Barking, Eastham, Westham, Layton, Walthamstow, Bromley, and East Marsh, and for the respective borders or confines thereof, near to the same as the same respectively is, and standing, lying, running, and being within the said respective counties, and within the bounds, limits, and jurisdictions of his majesty's commissioners of sewers, duly issued under the great seal of Great Britain, on the nineteenth day of June, in the year of Our Lord 1761, still in force unsuspended, at the sign of the Green Man, in Great Ilford, in the said county of Essex, on Saturday the fifth day of January, in the year of Our Lord 1765, before Bamber Gascoyne, esquire, chairman, Samuel Wegg, James Kerling, John Lapridge, Charles Smith, Thomas Fuller, Joseph Gascoyne, William Steple, George Spurrall, Edward Rowe, Moses Pullen Allen, and William Rayment, esquires, commissioners in the said commission named, three thereof, to wit, the said Bamber Gascoyne, Samuel Wegg, and Joseph Kerling, are therein and thereby nominated and appointed of the quorum, come twelve sewers, jury for our sovereign lord the king, being duly returned and charged, &c. come upon a sewers jury for the limits and for the borders and confines of Ripple and Barking Levels, in the said county of Essex, to wit, Mr. Knight, John Allen, John Brown, George Chamberlain, Francis Leigh, John Blanchell, Richard Sibley, Robert Humphrey, Henry Foot, Thomas Tyson, Hugh Muredy, and James Parsons, who having, according to the tenor of the commission aforesaid, diligently enquired, as such jury, into the several matters and things belonging to the sewers within the limits of the charges of the said jurors, according to the tenor, true intent and meaning of the said commission, the said jurors do upon their oath present in writing to the court here as follows, that is to say, Westbury Little Level, within Barking Great Level, Essex: The jurors aforesaid, upon their oath aforesaid, present, that Thomas Spearman, of the parish of Westham, in the county of Essex, esquire, and all those estates he hath of and in certain lands called the Breach and Hosc, in the parish of Barking, in this county (of which said lands the said Thomas Spearman now is, and for divers years last past hath been the owner), from time whereof the memory of man is not to the contrary, have been forced to the repair of, and of right ought to have repaired, one and a half rods in length of a certain wall adjoining to and on the side of a certain creek called Barking Creek, in the parish of Barking aforesaid, and within the limits, bounds, and confines of Westbury Level, and within the jurisdiction of this court, by reason of his and their tenure of the said lands; and that the said Thomas Spearman still of right ought to repair the same: And the jurors aforesaid, upon their said oath, do further present, that although the said wall hath been divers times in due manner presented to be out of repair, the said Thomas Spearman hath neglected and refused to repair the same, and that by and through the neglect

neglect and default of the said Thomas Spearman in that behalf and for want of the said wall being kept in due and sufficient repair a great deal of the said wall which so ought to be repaired by the said Thomas Spearman as aforesaid, to wit, thirty-eight feet or thereabouts in length of the said wall was blown up and washed away by a spring tide which happened on the twenty-eighth day of September now last past : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Thomas Spearman, by reason of his tenure of his said lands in Barking aforesaid, ought, at his said costs and charges, to repair, amend, and make good the said breach in the aforesaid wall.

And the said Thomas Spearman comes into court here on the same Saturday the fifth day of January, in the year of Our Lord 1765, in his proper person ; and having heard the presentment aforesaid read, says, as to the premises in the said presentment specified, and therein laid to his charge, that he is not guilty thereof in manner and form as is therein alledged against him ; and of this he puts himself upon the country ; and John Bradley, clerk of the said commission of sewers, on the behalf of our sovereign lord the king, doth so likewise : Therefore in pursuance of the laws and statutes of sewers, and by virtue of the aforesaid commission of sewers of our lord the king, duly issued under the great seal of Great Britain, on the nineteenth day of June 1761, still in force, and extending into the respective counties of Essex, Middlesex, and Kent, Bamber Gascoyne, Samuel Wegg, Charles Smith, William Rayment, Pullen Allen, and Joseph Gascoyne, esquires, commissioners in the said commission named, three whereof, to wit, the said Bamber Gascoyne, Samuel Wegg, and Charles Smith, are therein and thereby nominated and appointed will require the sheriff of the said county of Essex that he return, summon, and cause to appear twelve honest and substantial men of his bailiwick, as well within liberties as without, qualified to serve on juries, and by whom the truth may be best known, to be and personally appear on Monday the twenty-first day of January instant, at ten of the clock in the forenoon, at the sign of the Green Man, in Great Ilford, in the county of Essex, before them or six of them, or such other six of his majesty's commissioners in the said commission named (three of them being of the quorum), who shall be then present, to make a jury of the county to try the issue aforesaid, and whereof as well the said John Bradley for our sovereign lord the king as the said Thomas Spearman have put themselves upon the country. The same day is given to the parties aforesaid there, &c.

Hilary Term, 36. Geo. III.

MIDDLESEX. Be it remembered, that at the general session of the peace of our lord the king, holden in and for the county of Middlesex, at the session house for the said county, on Monday the fourteenth

Ind'gment for building so near the road that it was narrowed.

The indictment.

fourteenth day of September, in the thirty-fifth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. before William Mainwaring, William Bleamire, Edmund Pepys, William Hyde, esquires, and others their fellows, justices of our said lord the king assigned to keep the peace in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the same county, by the oath of twelve jurors, good and lawful men of the county aforesaid, now here sworn and charged to enquire for our said lord the king for the body of the same county, it is presented in manner and form as followeth, that is to say: Middlesex, *ff.* The jurors for our sovereign lord the king upon their oath present, that from time whereof the memory of man is not to the contrary, hitherto there hath been and still is a certain public and common king's highway, leading from a certain public road and common king's highway called Mile End Road, in the parish of St. Dunstan Stebonheath, otherwise Stepney, in the county of Middlesex aforesaid, towards and unto a certain other public road and king's highway in the said parish and county, leading from that part of Mile End Green which is in the same parish and county towards and unto the hamlet of Ratcliffe, in the parish and county aforesaid, used for all the liege subjects of our lord the king and his predecessors to go, return, pass, and repass, with their cattle and carriages, at their free will and pleasure; and that on the twenty-first day of August, in the thirty-fifth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. at the parish aforesaid, in the county aforesaid, Robert Dousbery, late of the same parish of Saint Dunstan Stebonheath, otherwise Stepney, in the county of Middlesex aforesaid, builder, with force and arms, unlawfully and injuriously did dig up and subvert, and cause to be dug up and subverted, a great part, to wit, twenty yards in length, ten yards in breadth, and five yards in depth, of the earth and soil in and of the said highway so leading from the said road called Mile End Road to the said road leading from Mile End Green as aforesaid, and did also then and there unlawfully and injuriously erect and build, and cause to be erected and built in and upon the said highway so leading from the said road called Mile End Road to the said road leading from Mile End Green as aforesaid, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in height, of certain walls, erections, and buildings, made of bricks, mortar, and other materials, and the said part of the said walls, erections, and buildings, so as aforesaid erected and built, he the said Robert Dousbery, upon and from the said twenty-first day of August, in the thirty-fifth year aforesaid, until the day of the taking of this inquisition, at the parish aforesaid, in the county aforesaid, with force and arms, unlawfully and injuriously did uphold, maintain, and continue, and still doth uphold, maintain, and continue, whereby the said common highway so leading from the said road called Mile End Road to the said road leading from Mile End Green as aforesaid, on the said twenty-first day of August, in the thirty-fifth year aforesaid, and during all the time

time last aforesaid, was, hath been, and is greatly obstructed, narrowed, and straitened, so that the liege subjects of our said lord the king in, upon, and through the said highway so leading from the said road called Mile End Road to the said road leading from Mile End Green as aforesaid, during all that time could not, nor can now go, return, pass, and repass, as they ought and were accustomed to do, to the great damage and common nuisance of all the liege subjects of our said lord the king going, returning, passing, and repassing, in, upon, and through the said common highway so leading from the said road called Mile End Road to the said road leading from Mile End Green as aforesaid, with their cattle and carriages, and against the peace of our said lord the now king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Dousbery, on the twenty-first day of August, in the thirty-fifth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously did dig up and subvert, and cause to be dug up and subverted, a great part, to wit, twenty yards in length, five yards in breadth, and five yards in depth of the earth and soil in and of a certain lane there called Wright's Lane, otherwise White Horse Lane (the same lane then and still being a common and public king's highway there used for all the liege subjects of our lord the king to go, return, pass, and repass, with their cattle, at their free will and pleasure), and did also then and there unlawfully and injuriously erect and build, and cause to be erected and built, in and upon a certain part of the said last-mentioned highway there a great part of certain other walls, erections, and buildings, made of bricks, mortar, and other materials, containing in length twenty yards, in breadth ten yards, and in height ten yards, and the said part of the said walls, erections, and buildings, so as last aforesaid erected and built, he the said Robert Dousbery, upon and from the said twenty-first day of August, in the thirty-fifth year aforesaid, until the day of taking this inquisition, at the parish aforesaid, in the county aforesaid, with force and arms, unlawfully and injuriously did uphold, maintain, and continue, and still doth uphold, maintain, and continue, whereby the said last-mentioned highway for and during all the time last aforesaid was and still is greatly obstructed, narrowed, and straitened, so that the liege subjects of our said lord the king could not nor can now go, return, pass, and repass, in, through, by, and along the same, as they of right ought and were accustomed to do, to the great damage and common nuisance of all the liege subjects of our said lord the king going, returning, passing, and repassing, in, upon, and through the said last-mentioned highway with their cattle and carriages, and against the peace of our said lord the now king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof the memory of man is not to the contrary, hitherto there hath been and till is a certain common and public footway leading from a certain public road and common king's highway called Mile End Road, in the parish and county aforesaid, unto and into, through,

2d Count, for building in the lane.

3d Count, on the footway.

over, and along a certain close or piece of land situate, lying, and being in the parish and county aforesaid, and now in the possession of the said Robert Dousbery, towards and unto a certain other public road and king's highway in the said parish and county, leading from that part of Mile End Green which is in the parish aforesaid, in the county aforesaid, to the hamlet of Ratcliffe, in the same parish and county, used for all the liege subjects of our said lord the now king and his predecessors to go, return, pass, and repass on foot every year at all times of the year, at their free will and pleasure: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Dousbery, on the said twenty-first day of August, in the thirty-fifth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously did dig up and subvert, and cause and procure to be dug up and subverted, a great part, to wit, twenty yards in length, ten yards in breadth, and five yards in depth, of the earth and soil in and of the said footway, and then and there unlawfully and injuriously did erect and build, and cause and procure to be erected and built, in, upon, and across the said footway, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in height, of certain walls, erections, and buildings made of brick, mortar, and other materials, and the said part of the said walls, erections, and buildings, so as last aforesaid erected and built, he the said Robert Dousbery, upon and from the said twenty-first day of August, in the thirty-fifth year aforesaid, until the day of taking this inquisition, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously hath continued, and still doth continue, whereby the liege subjects of our said lord the king, during all the time last aforesaid, could not, nor can they now go, return, pass, and repass, in, through, along, and over the said footway, as they before used and were accustomed to do, and still of right ought to do, to the great damage and common nuisance of all the liege subjects of our said lord the king having occasion to go, return, pass, and repass, in, through, along, and over the said footway, and against the peace of our said lord the now king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof the memory of man is not to the contrary, hitherto there hath been and still is a certain other common and public footway leading from and out of a certain common and public king's highway in the parish and county aforesaid, called Wright's Lane, otherwise White Horse Lane, at one part thereof, unto and into, through, over, and along a certain close or piece of land there also situate, lying, and being, and thereto contiguous and next adjoining, and in the possession of the said Robert Dousbery, unto a certain other part of the said king's highway called Wright's Lane, otherwise White Horse Lane, used for all the liege subjects of our said lord the now king and his predecessors to go, return, pass, and repass, on foot, every year at all times of the year, at their free will and pleasure: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Dousbery, on the said twenty-first day of August,

4th Count, foot-
way called
Wright's Lane.

in the thirty-fifth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously did dig up and subvert, and cause and procure to be dug up and subverted, a great part, to wit, twenty yards in length, ten yards in breadth, and five yards in depth, of the earth and soil in and of the said last-mentioned footway, and then and there unlawfully and injuriously did erect and build, and cause and procure to be erected and built, in, upon, and across the said last-mentioned footway, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in height, of certain other walls, erections, and buildings, made of brick, mortar, and other materials; and the said part of the said walls, erections, and buildings, so as last aforesaid erected and built, he the said Robert Dousbery upon and from the said twenty-first day of August, in the thirty-fifth year aforesaid, until the day of taking this inquisition, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously hath continued and still doth continue, whereby the liege subjects of our said lord the king during all the time last aforesaid could not, nor can they now go, return, pass, and repass, in, through, along, and over the said last-mentioned footway as they before used and were accustomed to do, and still of right ought to do, to the great damage and common nuisance of all the liege subjects of our said lord the king having occasion to go, return, pass, and repass, in, through, along, and over the said last-mentioned footway, and against the peace of our said lord the now king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that from time whereof the memory of man is not to the contrary, there hath been and still is a certain common way leading from the said public road and common king's highway called Mile End Road, in the parish and county aforesaid, unto and into, through and over a certain other close or piece of land in the said parish and county, in the possession of the said Robert Dousbery, to the church of the same parish there, for all the liege subjects of our lord the king and his predecessors to go, return, pass, and repass, on foot, at their free will and pleasure; and that the said Robert Dousbery, on the said twenty-first day of August, in the thirty-fifth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously dug up and subverted, and caused and procured to be dug up and subverted, divers, to wit, thirty yards of the earth and soil in and of the said last-mentioned footway, and unlawfully and injuriously erected and built, and caused and procured to be erected and built, in and upon the said last-mentioned footway, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in height, of certain other walls, erections, and buildings, made of bricks, mortar, and other materials, and the said part of the said walls and other erections and buildings so by him erected and built as last aforesaid, he the said Robert Dousbery, upon and from the said twenty-first day of August, in the thirty-fifth year aforesaid, hitherto unlawfully and injuriously hath continued and *upheld*, and still doth continue and uphold, by reason whereof the said last-mentioned

5th Count, foot-
way to the pa-
rish church.

6th Count, a
public footway.

footway hath, for and during all the time last aforesaid, been blocked up and obstructed, so that the liege subjects of our said lord the king could not during all the time last aforesaid, nor can they now go, return, pass, and repass, in, along, and through the said last-mentioned way there as they ought and were used and accustomed to do, and still of right ought to do, to the great damage and common nuisance of all the liege subjects of our said lord the king having occasion to go, return, pass, and repass, in, through, and along the said last-mentioned way there, and against the peace of our said lord the now king, his crown and dignity : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Dousbery, on the said twenty-first day of August, in the thirty-fifth year aforesaid, with force and arms, at the parish aforesaid, in the said county of Middlesex, unlawfully and injuriously did dig up and subvert, and cause and procure to be dug up and subverted, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in depth, of a certain other common and public footway there used for all the liege subjects of our lord the king to go, return, pass, and repass, at their free will and pleasure, and did also then and there unlawfully and injuriously put, place, and lay, and cause to be put, placed, and laid, divers, to wit, twenty cart loads of bricks, five cart loads of mortar, and twenty cart loads of rubbish, in, upon, and across the said last-mentioned footway, and also then and there unlawfully and injuriously did erect and build, and cause and procure to be erected and built, in, over, and across the said last-mentioned footway, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in height, of certain other walls, erections, and buildings, made of bricks, mortar, and other materials, and the said bricks, mortar, and rubbish, so by the said Robert Dousbery put, placed, and laid as aforesaid, and the said part of the said walls, erections, and buildings, so by him erected and built as last aforesaid, he the said Robert Dousbery, from the said twenty-first day of August, in the thirty-fifth year aforesaid, until the day of the taking of this inquisition, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously did continue, and still doth continue ; by reason whereof the footway last aforesaid, during all the time last aforesaid, was and still is blocked up and obstructed, so that the liege subjects of our said lord the king through the said last-mentioned footway could not during all the time last aforesaid, nor can they now go, return, pass, and repass, as they ought or were wont to do, to the great damage and common nuisance of all the liege subjects of our said lord the king having occasion to go, return, pass, and repass, through, over, and along the said last-mentioned footway, and against the peace of our said lord the now king, his crown and dignity : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Dousbery, on the said twenty-first day of August, in the thirty-fifth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously did obstruct and stop up, and cause and procure to be obstructed and stopped up, a certain other public and common

7th Count, enumerating the buildings, and stating the measure and extent.

footway

footway there, in, through, along, and over a certain other close or piece of land there, in the possession of him the said Robert Dousbery, used for all the liege subjects of our lord the king to go, return, pass, and repass, at their free will and pleasure, by then and there erecting, setting up, and placing, and causing and procuring to be erected, set up, and placed, in, upon, and across the said last-mentioned footway, divers, to wit, six walls, six erections, and six buildings made of bricks, mortar, and other materials, and each and every of the said last-mentioned walls, erections, and buildings being of a great length, breadth, and height, to wit, of the length of ten yards, of the breadth of ten yards, and of the height of ten yards; and the said last-mentioned footway, so as aforesaid obstructed and stopped up, he the said Robert Dousbery, upon and from the said twenty-first day of August, in the thirty-fifth year aforesaid, until the day of taking this inquisition, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously hath continued, and still doth continue, whereby the liege subjects of our said lord the king, during all the time last aforesaid, could not nor can they now go, return, pass, and repass, in, through, over, and along the said last-mentioned footway, as they before used and were accustomed to do, and still of right ought to do, to the great damage and common nuisance of all the liege subjects of our said lord the king having occasion to go, return, pass, and repass, in, through, over, and along the said last-mentioned footway, and against the peace of our said lord the king, his crown and dignity.

Pleas before our lord the king at Westminster of trinity term in the thirty-third and thirty-fourth year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c.

ROLL.

Among the pleas of the king.

SOME time ago (that is to say), on Thursday the eleventh day of January, in the thirty-second year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth, and in the year of Our Lord 1759, at the general quarter sessions of the peace of our lord the king, held at Lewes, in and for the said county, before Elfred Staples, esquire, Richard Ridout, John Bridger, William Poole, Luke Speme, George Cornthop, John Fuller, Stephen Fuller, and Francis Warden, esquires, justices of our said lord the king, assigned to keep the peace in the county of Sussex, and also to hear and determine divers felonies, trespasses, and other ill deeds done and committed in the said county, upon the oath of twelve jurors, honest and lawful men of the body of the said county aforesaid, sworn and charged upon their oath to enquire for our said lord the king, and the body of the county aforesaid, it was presented as followeth, that is to say, Sussex.

Record of an indictment for a nuisance in erecting a gate on the highway.

The jurors for our lord the king upon their oath present, that Nathaniel Pigram, late of the ancient town of Rye, in the county of Suffex, gentleman, on the first day of January, in the thirty-second year of the reign of our sovereign lord George the Second, now king of Great Britain, &c. and continually afterwards, until the day of taking this inquisition, with force and arms, at the parish of Playden, in the county aforesaid, across the king's common highway, near the lower end of a certain street or lane, commonly called Sawkett-street, otherwise Salked-street, leading from the parish church of Playden aforesaid, to the Salls there often overflowed by the sea, did, and still doth wilfully, voluntarily, and obstinately uphold, maintain, and continue a certain gate, posts, rails, and fence, and the king's common highway aforesaid, by means thereof hath not only unlawfully inclosed, but also obstructed and stopped up, so that the liege subjects of our said lord the king, in, by, and through the king's common highway aforesaid, could not during the time aforesaid, nor yet can go, return, pass, and labour as they ought and were wont to do, to the great damage and common nuisance of all the liege subjects of our said lord the king, in, by, and through the king's common highway aforesaid going, returning, passing, and labouring, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Nathaniel Pigram, on the said first day of January, in the thirty-second year of the reign of our said lord the king, and continually afterwards until the day of the taking of this inquisition, with force and arms, at the parish of Playden aforesaid, in the said county of Suffex, nearer the lower end of the said street or lane, called Sawkett-street, otherwise Salked-street, a certain other fence of posts and rails across the said king's common highway, did, and still doth voluntarily and obstinately uphold, maintain, and continue, whereby the said highway is not only inclosed, but also obstructed and stopped up, so that the liege subjects of our said lord the king, in, by, and through the king's common highway aforesaid, could not during the time aforesaid, nor yet can go, return, pass, and labour as they ought and were wont to do, to the great damage and common nuisance of all the liege subjects of our said lord the king, in, by, and through the king's common highway aforesaid, going, returning, passing, and labouring, and against the peace of our said lord the king, his crown and dignity: which said indictment our said lord the king afterwards, for certain reasons, caused to be brought before him, to be determined according to the law and custom of England; wherefore the sheriff of the said county of Suffex was commanded that he should not forbear by reason of any liberty in his bailiwick, but that he should cause him to come to answer to our said lord the king, touching and concerning the premises aforesaid: And now (that is to say), on Friday next after the morrow of the Holy Trinity, in this same term, before our said lord the king, at Westminster, cometh the said Nathaniel Pigram,

Certiorari.

Pigram, by John Wace, his attorney, and having heard the said indictment read, he saith that he is not guilty thereof, and hereupon he putteth himself upon the country, and James Burrow esquire, coroner and attorney of our said lord the king, in the court of our said lord the king, before the king himself, who for our said lord the king in this behalf prosecuteth, doth the like.

LIBEL.

LONDON, At the general session of oyer and terminer of our lord the king, holden for the city of London, at Justice Hall, in the Old Bailey, in the parish of St. Sepulchre, in the ward of Farringdon Without, in London aforesaid, on Wednesday, the twentieth day of February, in the thirty-third year of the reign of our sovereign lord George the Third, king of Great Britain, &c.

LONDON, to wit. The jurors for our lord the king upon their oath present, that Daniel Isaac Eaton, late of the parish of St. Botolph Without, Bishopsgate, in the ward of Bishopsgate, in the city of London aforesaid, bookseller, being a wicked, malicious, seditious, and ill-disposed person, and being greatly disaffected to our sovereign lord the now king, and to the constitution and government of this kingdom, and most unlawfully, wickedly, seditiously, and maliciously devising, contriving, and intending to scandalize, traduce, and vilify our said lord the now king, and the hereditary succession to the crown and regal government of this kingdom, as by law established, and to alienate and withdraw from our present sovereign lord the now king, the true and due obedience, fidelity, and allegiance of his subjects, and wickedly and seditiously to disturb the peace and tranquillity of this kingdom, on the seventeenth day of January, in the thirty-third year of the reign of our said present sovereign lord the king, with force and arms, at the parish aforesaid, in the ward aforesaid, in London aforesaid, he the said D. I. Eaton, unlawfully, wickedly, maliciously, and seditiously did publish and cause to be published a certain scandalous, malicious, and seditious libel, entitled, "Rights of Man, Part II. combining Principle and Practice, by Thomas Paine, Secretary for Foreign Affairs to Congress, in the American War; and Author of the Works entitled Common Sense, and the First Part of the Rights of Man." London, printed by H. D. Symonds, Pater-noster-row, 1792. In which said libel are contained (amongst other things) divers scandalous and malicious and seditious matters of and concerning the hereditary succession to the crown and royal government of this kingdom as by law established (that is to say), in one part thereof, according to the tenor and effect following (that is to say) "It

Indictment against a bookseller for publishing a libel on the king and constitution, viz. Paine's "Rights of Man, Part II."

"cannot be proved by what right hereditary government (mean-
 ing amongst other things the said hereditary government of this
 kingdom) could begin, neither does there exist within the
 compass of mortal power a right to establish it (meaning such
 hereditary government). Man has no authority over posterity
 in matter of personal right, and therefore no man or body of men
 had or can have a right to set up hereditary government
 (meaning amongst other things, the hereditary government of
 this kingdom);" and another part according to the tenor and effect
 following, that is to say, "hereditary succession (meaning amongst
 other things the said hereditary succession to the government of
 this kingdom) is a burlesque upon monarchy, it puts it in the
 most ridiculous light, by presenting it as an office which any child
 or idiot may fill. It requires some talents to be a common me-
 chanic, but to be a king requires only the animal figure of man,
 a sort of breathing automaton! this sort of superstition may last
 a few years, but it cannot long resist the awakened reason
 and interest of man;" and in another part thereof according to
 the tenor and effect following, that is to say, "A government
 calling itself free, with an hereditary office (meaning amongst
 other things, the government of this kingdom, with an here-
 ditary office of king thereof), is like a thorn in the flesh, that
 produces a fermentation which, endeavours to discharge it;" and
 in another part thereof, according to the tenor and effect follow-
 ing, that is to say, "Hereditary system (meaning amongst other
 things the hereditary system of succession to the crown of this
 kingdom), therefore is repugnant to human wisdom, as to
 human rights, and it is as absurd as it is unjust." And in
 another part thereof, according to the tenor and effect following,
 that is to say, "Whether I have too little sense to see, or too much
 to be imposed upon, whether I have too much or too little
 pride, or of any thing else, I leave out of the question, but certain
 it is, that what is called monarchy (meaning amongst other
 things the monarchy of this kingdom) always appears to me
 a silly contemptible thing. I compare it to something kept
 behind a curtain, about which there is a great deal of bustle
 and fuss, and a wonderful air of securing solemnity; but when
 by any accident the curtain happens to be open and the com-
 pany see what it is, they burst into laughter." And in another
 part thereof, according to the tenor and effect following, that is to
 say, "That monarchy (meaning amongst other things the mo-
 narchy of this kingdom) is all a bubble, and mere court artifice
 to procure money, is evident, at least to me, in every character
 in which it can be viewed." And in another part thereof, ac-
 cording to the tenor and effect following, that is to say, "It can
 only be blinding the understanding of man, and making him
 believe that government is some wonderful mysterious thing,
 that excessive revenues are obtained, monarchy (meaning
 amongst other things the monarchy of this kingdom) is well
 calculated to insure this end, it is the popery of government,
 " a thing

"a thing kept up to amuse the ignorant, and quiet them into taxes." In contempt of our said lord the now king, in open violation of the laws of this kingdom, and to the great danger of our happy constitution, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

LONDON, to wit. At the general sessions of oyer and terminer of our lord the king, holden for the city of London, at Justice Hall in the Old Bailey, within the parish of St. Sepulchre, in the Ward of Farringdon Without, in London aforesaid, on Wednesday the fourth day of December, in the thirty-fourth year of the reign of our sovereign lord George the Third, by the grace of God king of Great Britain, &c.

LONDON, to wit. The jurors for our lord the king upon their oath present, that D. I. Eaton, late of London, bookseller, being a wicked, malicious, seditious, and evil disposed person, and greatly disaffected to our said lord the king, and to his administration of government of this kingdom, and unlawfully, maliciously, and seditiously contriving, devising, and intending to scandalize, traduce, and vilify our said lord the king, and to alienate and withdraw the fidelity, affection, and allegiance of his said majesty's subjects from his said majesty's person and government, on the eighteenth day of November, in the year of Our Lord 1793, at London aforesaid, in the parish of St. Mary-le-Bow, in the ward of Cheap, unlawfully, maliciously, and seditiously did publish and caused to be published, a certain pamphlet, intitled "Politics for the People, or Hog's Wash," containing therein among many other things certain scandalous, malicious, inflammatory, and seditious matters of and concerning our said lord the king, that is to say, "You must know then (meaning know) that I used, together with a variety of youthful attachments, to be very fond of birds and poultry, and among other things of this kind, I had a very fine majestic kind of an animal, a game cock (meaning thereby to denote and represent our said lord the king a haughty, sanguinary tyrant, immersed in blood and slaughter from his infancy, fond of foreign wars and domestic rebellions, into which he would sometimes drive his subjects by his oppressive obstinacy, in hopes that he might increase his power and glory by their suppression) now the haughty old tyrant (again meaning our said lord the king) would never let my farm yard be quiet, for not content with devouring by far the greater part of the grain, which was scattered for the mornings and evenings repast, and snatching at every little treasure that the toil of more industrious birds might happen to scratch out of the bowels of the earth, the restless despot (meaning our said lord the king) must always be picking and cussing at the poor doves and pullets, and little defenceless chickens, so that they could never eat the scanty

Indictment for
a libel on the
king.

"scanty remnant which his inordinate taxation left them in peace
 "and quietness; now, though there were some aristocratic pre-
 "judices hanging about me from my education, so that I could
 "not help looking with some considerable reverence upon the
 "majestic decorations of the person of king chancicler (meaning
 "our said lord the king), such as his ermine spotted breast, the
 "fine gold trappings about his neck and shoulders, the flowing
 "robe of plumage, tucked up at his rump, and above all the fine
 "ornamented thing about his head there, his crown or coxcomb,
 "I believe you call it (however the distinction is not very im-
 "portant), yet I had even at that time some lurking principles of
 "aversion here forced despotism struggling at my heart, which
 "would sometimes whisper to me, that the best thing one could
 "do either for cocks and hens, or men and women, was to rid
 "the world of tyrants (meaning our said lord the king among
 "others), whose shrill martial clarions (the provocations to fame
 "and murder) disturbed the repose, and destroyed the happiness
 "of their respective communities; so I believe if guillotines had
 "been in fashion I should certainly have guillotined him, being
 "desirous to be merciful even in the stroke of death, and know-
 "ing the instant the brain is separated from the heart (which
 "with this instrument is done in a moment), pain and con-
 "sciousness is at an end, while the lingering fortune of the rope
 "may procrastinate the pang for half an hour; however I ma-
 "naged the business very well, for I caught Mr. Tyrant by the
 "head, and dragging him immediately to the block, with a
 "heavy knife in my hand separated his neck at a blow, and what
 "will surprise you very much, when his fine trappings were stripped
 "off, I found he was no better than a common scratch dunghill
 "pullet; no, nor half so good, for he was tough and oily and rank,
 "with pollutions of his luxurious vices." In contempt of our
 "said lord the king and his laws, to the evil and pernicious example
 "of all others in the like case offending, and against the peace of
 "our said lord the king, his crown and dignity: And the jurors
 "aforesaid, upon their oath aforesaid, do further present, that the
 "said D. I. Eaton so being such a person as aforesaid, and so devis-
 "ing, contriving, and intending as aforesaid, afterwards, to wit, on
 "the said eighteenth day of November, in the said year of our lord
 "1793, at London aforesaid, &c. unlawfully, maliciously, and sedi-
 "tiously did publish, and cause and procure to be published, a certain
 "other printed pamphlet, containing therein, amongst other things,
 "certain scandalous, malicious, inflammatory, and seditious matters
 "of and concerning our said lord the king, according to the tenor
 "and effect following, that is to say, "I had a very fine majestic
 "kind of animal, a game-cock (meaning thereby to denote
 "and represent our lord the king); a haughty, sanguinary tyrant,
 "immersed in blood and slaughter from his infancy; fond of foreign
 "wars and domestic rebellions, into which he (meaning our said
 "lord the king) would drive his subjects, by his oppressive obsti-
 "nacy, in hopes that he might increase his power and glory by
 "their

"their suppression," in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, &c. (3d count same as 2d, on the following part of the libel): "The reflections of a true Briton;—kings (meaning our sovereign lord the king, among others) are wolf-shepherds. Homer stiles them devourers of the people; and they do not appear to have lost their original taste," in contempt, &c. to the evil and pernicious example, &c. and against the peace, &c.

LONDON, To wit. The jurors for our sovereign lord the now king upon their oath present, that one Richard Shepley, from his nativity until the time of the taking this inquisition, hath been a person of good name, fame, and credit; and as such hath for and during all the time aforesaid been reputed, esteemed, and respected by and amongst all good and worthy liege subjects of our sovereign lord the king, to whom he was in any wise known; and that the said Richard Shepley, at the several and respective times hereinafter mentioned, was and yet is a married man: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Richard Shepley, before and at the several times hereinafter mentioned, was and yet is a miller, and the trade and business of a miller hath used, exercised, and followed, and still doth use, exercise, and follow, in a certain place called, &c. in, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that Thomas Sabine, late of, &c. printer, being a malicious and seditious person, and of a wicked disposition, and most unlawfully, maliciously, unjustly, deviling, designing, contriving, and intending (as much as in him lay) to injure the said Richard Shepley in his aforesaid good name, fame and credit, and to bring him into public scandal, infamy, disgrace, hatred and contempt, with and amongst all the good and worthy liege subjects of our said lord the now king, to whom he was in anywise known, and also to disturb, molest, and disquiet him the said Richard Shepley, and to disturb his domestic peace and happiness, and to traduce, scandalize, and villify him the said Richard Shepley; and also most unlawfully, maliciously, and unjustly deviling, designing, contriving, and intending to represent, suggest, and insinuate, and to make it be credited and believed that the said Richard Shepley was and is a libidinous, immoral, lewd, debauched, and ill-disposed person, and wickedly, wrongfully, and unjustly to injure the said Richard Shepley in his trade and business aforesaid, and to impoverish and wholly ruin him, the said Thomas Sabine, on, &c. in the sixteenth year of, &c. in the ward of, &c. falsely and maliciously, unlawfully, wickedly, wilfully, and designedly did print, and did then and there falsely and maliciously cause and procure to be printed of and concerning the said Richard Shepley, a certain false, scandalous, infamous, malicious, and obscene libel, in the

form

For composing and publishing malicious and obscene verses on prosecutor and his wife, and libelling them in certain pictures or impressions.

MISDEMEANOR.

form of a song, entitled "The Miller and Laundress, a new Song, founded on Facts," and containing in itself false, scandalous, infamous, malicious, and obscene verses and matter, to the tenor following of and concerning the said Richard Shepley (that is to say): Near Wandsworth town this fam'd miller [meaning the said Richard Shepley] does dwell; If his [meaning the said Richard Shepley's] name is left out, it may do full as well; His wife brought him a fortune [meaning that the wife of the said Richard Shepley was possessed of a fortune at the time of her marriage with the said Richard Shepley], and he's a tall man, But what his wife [meaning the wife of the said Richard Shepley] long'd for, he [meaning the said Richard Shepley] often gives Nan." — (Go through with the whole libel, with proper innuendos: the remaining part of that in the present case was as follows:

II.

"The miller, of late, went on bus'ness to France,
 "But poor Nancy was bound to curse this queer dance;
 "For every day 'till J—n S——y came back,
 "Nan's mistress made her quite sick of her clack.

III.

"When the miller return'd, his wife loudly exclaim'd
 "Against Nanny; then he cry'd, Are you not asham'd
 "To use my poor wife in the manner you do;
 "Who the devil would keep such a baggage as you?

IV.

"The wife was well pleas'd, and rejoic'd in her heart,
 "To find that so tenderly he took her part;
 "He, to humour the joke, turn'd the wanton away,
 "But then near Saint James's kept up the old play.

V.

"She liv'd there in service; he'd oft for her send,
 "Where he pass'd for no more than relation or friend;
 "Tho' 'twas difficult sometimes to do matters clean,
 "So to Marybone now he's remov'd his fair queen.

VI.

"Now three times a-week, when he's done at Bear-key,
 "There's none are so happy as Nanny and he;
 "She goes for a laundress, and stands at the tub,
 "Till Jack comes to play the tune Rub-a-dub, dub.

VII.

"His honest wife now sits contented at home,
 "While he runs a rambling to Mary-le-bone;
 "The first thing he does, when he's done at Bear-key,
 "Is to dine with his Nanny—then kiss, and drink tea.

VIII.

"After this he comes home, to prevent having strife,
 "And talks, and looks pleasant, and sups with his wife;
 "Then loving together they both go to bed,
 "And his wife gets the spoon with which Nan has been fed."

Derry down, &c. &c.

And

And the jurors aforesaid, upon their oath aforesaid, do further present, that in order the more effectually to complete, accomplish, perfect, and bring to effect the purposes aforesaid, so as aforesaid unlawfully, maliciously, and unjustly devised, designed, contrived, and intended by the said Thomas Sabine, he the said Thomas Sabine did then, to wit, on the said, &c. at London aforesaid, &c. unlawfully, maliciously, wickedly, wilfully, and designedly, mark, print, and impress, and unlawfully, &c. cause and procure to be marked, printed, and impressed on the said false, &c. libel, so printed by the said Thomas Sabine in manner aforesaid, certain scandalous, ludicrous, and obscene pictures, designs, prints and devices, representing, and intending by the said Thomas Sabine to represent the said Richard Shepley in a scandalous, ludicrous, and obscene manner: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Thomas Sabine, in order to effect and accomplish the purpose aforesaid, did then, to wit, on the said, &c. with force and arms, at London aforesaid, &c. to wit, in the public street and king's common highway, there called Mark-lane, before and near unto a certain building, there called and known by the name of the Corn-market (at which place he the said Richard Shepley then was, and for a long time then last past had been used and accustomed to deal and traffic, in the way of his said trade and business of a miller, and whereat there were assembled and met together a great number of the liege subjects of our sovereign lord the now king), unlawfully, &c. cause and procure the said false libel so printed by him the said Thomas Sabine in manner aforesaid, to be published and to be sung, said, spoken, uttered, and pronounced with loud voices, and in a public and open manner, and to be distributed about and delivered, together with the said scandalous, &c. pictures, &c. so marked, &c. thereon, to divers of the liege subjects of our said sovereign lord the king there then present standing and being, to the great damage, scandal, infamy, disgrace, and injury of the said Richard Shepley, in contempt of our said sovereign lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity, &c.

C. RUNNINGTON.

THE jurors for our sovereign lord the king, upon their oath present, that Thomas Wade, late of the parish of Saint Mary Rotherhithe, in the county of Surry, waterman; John Hughes, late of the same place, cordwainer; John Spencer, late of the same place, waterman; being persons of envious, uncharitable, wicked, and malicious minds and dispositions, and unlawfully, wickedly, and maliciously devising, contriving, and intending, as much as in them lay, to injure, oppress, aggrieve, and villify the good name, fame, credit, and reputation of Mr. Monk, a good, peaceable, and well-disposed subject of our lord the king, and to bring him into great scandal, infamy, contempt, ridicule, and disgrace,

Indictment for a libel in hanging in effigy the prosecutor (a waterman) near the place where he was accustomed to ply.

6th Count, a
public footway.

footway hath, for and during all the time last aforesaid, been blocked up and obstructed, so that the liege subjects of our said lord the king could not during all the time last aforesaid, nor can they now go, return, pass, and repass, in, along, and through the said last-mentioned way there as they ought and were used and accustomed to do, and still of right ought to do, to the great damage and common nuisance of all the liege subjects of our said lord the king having occasion to go, return, pass, and repass, in, through, and along the said last-mentioned way there, and against the peace of our said lord the now king, his crown and dignity : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Dousbery, on the said twenty-first day of August, in the thirty-fifth year aforesaid, with force and arms, at the parish aforesaid, in the said county of Middlesex, unlawfully and injuriously did dig up and subvert, and cause and procure to be dug up and subverted, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in depth, of a certain other common and public footway there used for all the liege subjects of our lord the king to go, return, pass, and repass, at their free will and pleasure, and did also then and there unlawfully and injuriously put, place, and lay, and cause to be put, placed, and laid, divers, to wit, twenty cart loads of bricks, five cart loads of mortar, and twenty cart loads of rubbish, in, upon, and across the said last-mentioned footway, and also then and there unlawfully and injuriously did erect and build, and cause and procure to be erected and built, in, over, and across the said last-mentioned footway, a great part, to wit, twenty yards in length, ten yards in breadth, and ten yards in height, of certain other walls, erections, and buildings, made of bricks, mortar, and other materials, and the said bricks, mortar, and rubbish, so by the said Robert Dousbery put, placed, and laid as aforesaid, and the said part of the said walls, erections, and buildings, so by him erected and built as last aforesaid, he the said Robert Dousbery, from the said twenty-first day of August, in the thirty-fifth year aforesaid, until the day of the taking of this inquisition, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously did continue, and still doth continue ; by reason whereof the footway last aforesaid, during all the time last aforesaid, was and still is blocked up and obstructed, so that the liege subjects of our said lord the king through the said last-mentioned footway could not during all the time last aforesaid, nor can they now go, return, pass, and repass, as they ought or were wont to do, to the great damage and common nuisance of all the liege subjects of our said lord the king having occasion to go, return, pass, and repass, through, over, and along the said last-mentioned footway, and against the peace of our said lord the now king, his crown and dignity : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Dousbery, on the said twenty-first day of August, in the thirty-fifth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously did obstruct and stop up, and cause and procure to be obstructed and stopped up, a certain other public and common

7th Count, enumerating the buildings, and stating the measure and extent.

footway there, in, through, along, and over a certain other close or piece of land there, in the possession of him the said Robert Doufbery, used for all the liege subjects of our lord the king to go, return, pass, and repass, at their free will and pleasure, by then and there erecting, setting up, and placing, and causing and procuring to be erected, set up, and plac'd, in, upon, and across the said last-mentioned footway, divers, to wit, six walls, six erections, and six buildings made of bricks, mortar, and other materials, and each and every of the said last-mentioned walls, erections, and buildings being of a great length, breadth, and heighth, to wit, of the length of ten yards, of the breadth of ten yards, and of the heighth of ten yards; and the said last-mentioned footway, so as aforesaid obstructed and stopped up, he the said Robert Doufbery, upon and from the said twenty-first day of August, in the thirty-fifth year aforesaid, until the day of taking this inquisition, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously hath continued, and still doth continue, whereby the liege subjects of our said lord the king, during all the time last aforesaid, could not nor can they now go, return, pass, and repass, in, through, over, and along the said last-mentioned footway, as they before used and were accustomed to do, and still of right ought to do, to the great damage and common nuisance of all the liege subjects of our said lord the king having occasion to go, return, pass, and repass, in, through, over, and along the said last-mentioned footway, and against the peace of our said lord the king, his crown and dignity.

Pleas before our lord the king at Westminster of trinity term in the thirty-third and thirty-fourth year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c.

ROLL.

Among the pleas of the king.

SOME time ago (that is to say), on Thursday the eleventh day of January, in the thirty-second year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth, and in the year of Our Lord 1759, at the general quarter sessions of the peace of our lord the king, held at Lewes, in and for the said county, before Elfred Staples, esquire, Richard Ridout, John Bridger, William Poole, Luke Speme, George Cornthop, John Fuller, Stephen Fuller, and Francis Warden, esquires, justices of our said lord the king, assigned to keep the peace in the county of Sussex, and also to hear and determine divers felonies, trespasses, and other ill deeds done and committed in the said county, upon the oath of twelve jurors, honest and lawful men of the body of the said county aforesaid, sworn and charged upon their oath to enquire for our said lord the king, and the body of the county aforesaid, it was presented as followeth, that is to say, Sussex.

Record of an indictment for a nuisance in erecting a gate on the highway.

the court-rolls of the manor aforesaid, did produce and read in evidence certain of the said court-rolls of the said manor, as well touching and concerning the aforesaid cottages so formerly being one undivided cottage as aforesaid, as touching and concerning a certain croft of Land called Saffron Garden, also situate within, and part and parcel of the said manor of Weathersfield, and a customary tenement thereof: And the said now jurors, upon their oath aforesaid, do further present, that amongst the said court-rolls so produced and read in evidence by the said Charles Clubb, as such witness as aforesaid at and upon the said trial, he the said Charles Clubb did produce and read in evidence a certain grant which had been and was before then made by the then lord of the said manor unto the said Samuel Perry, of the said croft of land, called Saffron Garden, together with the admission of him the said Samuel Perry thereto as tenant thereof, upon a certain surrender before then made thereof by one W. Waring, since deceased, and Hannah his wife; and also a certain admission of one Walter, late of Edmonstone Grove, near Roxford, in the county of Suffolk, esquire, son of said Walter Waring, deceased, as tenant of said several cottages herein-before mentioned (so formerly being one undivided cottage as aforesaid) as and by, and under the description of one cottage, distinct and separate from the said croft of land called Saffron Garden; and that at and upon the said trial, it became and was a material question, whether the said cottages, so formerly being one undivided cottage as aforesaid, and for one of which said cottages the said ejectment was so brought as aforesaid, were parcel of the premises granted unto him the said Samuel Perry, in and by the said grant so to him made, upon the said surrender of the said Walter Waring, deceased, and Hannah his wife, as aforesaid: And the said now jurors, upon their oath aforesaid, do further present, that the said Samuel Perry being a person of a wicked, malicious, and evil mind and disposition, and wickedly and maliciously designing and intending (as much as in him lay) to defame, asperse, and villify the character of the said Charles Clubb, upon the seventeenth day of July, in the thirty-third year aforesaid, with force and arms, at the parish of Weathersfield aforesaid, in the said county of Essex, unlawfully, maliciously, and wickedly *did publish*, and cause and procure *to be published*, a certain false, wicked, scandalous, malicious, and defamatory libel, of and concerning him the said Charles Clubb, as such steward of the court of the said manor of Weathersfield as aforesaid, and of and concerning the evidence given by him the said Charles Clubb as such witness as aforesaid at and upon the aforesaid trial; which said false, scandalous, malicious, and defamatory libel, purported to be, and was, and is in the form of an address to the said Francis Buller, baronet, so as aforesaid being one of the justices assigned to hold pleas in the said court of our lord the king, before the king himself, and also being one of the justices before whom the said assizes at which the said trial was so had as aforesaid, were so holden as aforesaid, and (amongst other things) contained therein
certain

certain false, scandalous, malicious, and defamatory matters, of and concerning the said Charles Clubb, as such steward of the said courts of the said manor of Weathersfield as aforesaid, and of and concerning the evidence by him given as such witness as aforesaid at and upon the aforesaid trial, according to the tenor following, that is to say: "My lord (meaning the said Sir Francis Buller), the late determination in a court of justice at our last assizes in the ejectment cause, I (meaning himself, the said Samuel Perry) had there (thereby alluding to the said action of ejectment so brought for the recovery of said cottages so in possession of the said William Spooner as aforesaid, and to the aforesaid trial of the said action, and to the event and determination of such trial) most sensibly affects me (meaning himself the said S. P.) as what falls from so great a height cannot fail to make a deep impression. Not that I (meaning himself, the said S. P.) impute any thing to your lordship (meaning the said Sir Francis Buller) of a disagreeable nature; not that I (meaning himself, the said Samuel Perry) impute any thing to my counsel, but to the false representation of Mr. Clubb (meaning the said Charles Clubb), and his designedly keeping back that evidence which from my attorney he (meaning the said Charles Clubb) had a proper notice to produce; by which means the court (meaning the court at and before which the said trial was so had, as aforesaid) was so kept in ignorance, and deceived. I (meaning himself, the said Samuel Perry) find by several persons present, that when Mr. Clubb (meaning the said Charles Clubb) was called upon to produce the court-rolls (meaning the court-rolls of the manor of Weathersfield aforesaid), he (meaning him the said Charles Clubb) turned as pale as death, and was all in a tremble; conscious, no doubt, of the black work he (again meaning the said C. C.) was going about, trembling lest he (again meaning the said C. C.) should not succeed, by his being detected; which he (again meaning the said C. C.) might have been in a very short time, upon a proper investigation of circumstances."—(He the said Samuel Perry, thereby alluding to the evidence given by the said C. C. as such witness as aforesaid, at and upon the aforesaid trial, and to the manner of his giving the aforesaid evidence, and also meaning and insinuating that the said C. C. in the said evidence so by him given at and upon the aforesaid trial, had misrepresented some of the facts, and also suppressed certain evidence relative to the said cottage for which said ejectment was so brought as aforesaid, to the title thereto.)—"You must know, my lord, that this Mr. Clubb, the steward of our court (thereby alluding to and meaning the said C. C. as such steward of the court of the said manor of Weathersfield as aforesaid), is a most bitter enemy to me, (meaning himself, the said Samuel Perry); and for no other reason but because I (meaning himself, the said Samuel Perry) have proved the court-rolls (meaning the court-rolls of the said manor of Weathersfield) false records, in several instances, in behalf of persons who had been injured in their estates, six

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" in number, within these four or five years, as the persons living
 " can any day testify : And now, my lord, he (meaning the said
 " C. C.) is using all the art he is master of, to deprive me (mean-
 " ing himself the said Samuel Perry) of an estate belonging to me
 " (thereby alluding to and meaning the said cottages hereinbefore
 " mentioned, so formerly being one undivided cottage as afore-
 " said, and for the recovery of one of which said cottages the said
 " action of ejectment was so brought as aforesaid) ; and is encour-
 " aged in it by a Mr. Nottage, a tradesman in Bocking, in this
 " county (meaning one Thomas Nottage, of Bocking, in said
 " county of Essex, esquire), to whom this manor (meaning the
 " manor of Weathersfield aforesaid) belongs. For about a year
 " and a half past, my lord, the point Mr. Clubb (meaning the said
 " C. C.) has laboured to establish is this, that the cottage in
 " question (meaning the said cottages so formerly being one
 " undivided cottage as aforesaid, and to which the said W.
 " Waring, the son of the said W. W. deceased, was so admitted
 " as aforesaid) and Saffron Garden (meaning the aforesaid croft of
 " land called Saffron Garden) are two distinct things ; which is
 " an absolute falsehood, and he (meaning the said C. C.) knows it.
 " He (again meaning the said C. C.) knows that the cottage
 " (meaning the said cottages so formerly being one undivided
 " cottage as aforesaid, and to which the said W. W. the son was
 " so admitted as aforesaid) standing upon Saffron Garden (meaning
 " the aforesaid croft of land called Saffron Garden) is one entire
 " estate, and has always passed as one entire estate under a decreed
 " fine of three shillings and eight-pence ; and when at any time
 " the cottage (meaning the aforesaid cottages so formerly being
 " one undivided cottage as aforesaid) has been mentioned under
 " any admission to Saffron Garden, it has been always expressed in
 " these words : ' also a cottage, parcel of Saffron Garden, under
 " one decreed quit rent of three shillings and eight-pence.'
 " The *also* only points out that the cottage in question (meaning
 " the aforesaid cottages so formerly being one undivided cot-
 " tage as aforesaid) stands upon Saffron Garden, and belongs
 " to it ; and a person in court, who well understood the
 " case, took particular notice, that when upon admissions
 " the cottage (again meaning the said cottages so formerly
 " being one undivided cottage as aforesaid) is mentioned
 " with Saffron Garden (meaning the aforesaid croft of land called
 " Saffron Garden), for they always stand connected together
 " under the decreed fine and quit rent, he (meaning the said
 " C. C.) never read parcel of Saffron Garden, which is strictly
 " the case in the court rolls (meaning the court rolls of the afore-
 " said manor of Weathersfield, and also meaning that the said
 " cottages so formerly being one undivided cottage as aforesaid,
 " and for the recovery of one of which the said ejectment was so
 " brought as aforesaid, were parcel of the estate so granted unto
 " him the said Samuel Perry as aforesaid, and also meaning that
 " the said C. C. at and upon the said trial, and in the course of his
 " evidence given at the same, had not read the said court-rolls so

" by him produced and read in evidence as aforesaid truly, but
 " had omitted to read certain material parts thereof), the court-
 " rolls (meaning the court-rolls of the said manor of Weathersfield)
 " should have been taken from him (meaning the said C. C.) and
 " read by somebody else; another proof, my lord, of the *falseness*
 " of Mr. C.'s (meaning the said C. C.'s) proceedings in this, he
 " (again meaning the said C. C.) had notice from my attorney to
 " produce the rentals of the manor (meaning the rentals of the
 " said manor of Weathersfield) in court upon the trial (meaning
 " the trial aforesaid), and I (meaning himself the said Samuel
 " Perry) wrote to him (meaning the said C. C.) more than a
 " fortnight before the assizes, that he would have such a notice,
 " Mr. Dan met here at Weathersfield, who gather the quit rents
 " (meaning the quit rents of the manor aforesaid), being in such
 " a state of health that he could not attend with them at the assizes,
 " in whose possession the rentals were. My admission (meaning
 " the aforesaid admission of the said Samuel Perry to the said croft
 " of land called Saffron Garden), my lord, stands upon the rentals
 " (meaning the rentals of the said manor of Weathersfield) thus :
 " 'Samuel Perry for a croft of land called Saffron Garden two acres
 " and a half, with a cottage, in the occupation of Francis Beele;
 " quit rent three shillings and eight-pence:' and so it has stood in
 " all the rentals made down to the present time for near twenty
 " years, and a particular remark made upon the margin of the
 " rentals as to my admission (meaning the aforesaid admission of
 " him the said Samuel Perry to the said croft of land called Saffron
 " Garden), which is not to be found in any other instance; but
 " these rentals (meaning the rentals of the said manor of Weather-
 " field), my lord, carrying too much light with them for that
 " bird of night (meaning the said C. C.) they were carefully kept
 " back; and Mr. Dunnet has since told me (meaning himself the
 " said Samuel P.) Mr. C. (meaning the said C. C.) never sent for
 " him and Nottage (meaning the said T. Nottage formerly
 " mentioned), gave him positive orders not to part with them
 " to anybody, or let any one see them in future without an order
 " from him: this evidence has been suppressed. I (meaning
 " himself the said Samuel Perry) would also, my lord (meaning
 " the said Sir F. Buller), beg leave to observe, that I (meaning
 " himself the said Samuel Perry) have had an eminent land
 " surveyor to take the most nice dimensions of Saffron Garden
 " (meaning the aforesaid croft of land called Saffron Garden),
 " and to give me a map altogether with the cottage (meaning the
 " said cottages so formerly being one undivided cottage as afore-
 " said, and for one of which said cottages the said ejectment was so
 " brought as aforesaid); it makes but two acres and thirty-two
 " perches. This I (meaning himself the said Samuel Perry)
 " had in court, and the land-surveyor to testify upon oath as to the
 " quantity of land and the evident loneliness of the estate; but this
 " was not brought forward, but for what reason I (meaning
 " himself the said Samuel Perry) must leave your Lordship
 " (meaning the said Sir F. Buller) and the world to judge: the
 " map

“ map would have been a most striking evidence. In short, my
 “ lord, I (meaning himself the said Samuel Perry) consider myself
 “ as not yet to have been heard on the merits of the cause (meaning
 “ the merits of the said cause or action of ejectment hereinbefore
 “ mentioned) ; and upon this information, which you have never
 “ as yet heard, I (meaning himself the said S. P.) presume your
 “ lordship must think so : but, my lord, amidst all the art and
 “ cunning and power used to draw the curtains close, so that light
 “ shall not enter, for there is a conspiracy, and a deep one, in this
 “ business, light breaks out under the roof of Mr. Clubb (meaning
 “ the said C. C.). There is a Mr. Wade (meaning one George
 “ Wade, of Dunmow aforesaid, in the said county of Essex,
 “ gentleman), who for many years has been in partnership with
 “ Mr. Clubb (meaning the said C. C.), and who any one must
 “ conclude is well acquainted with these things, has not long since
 “ said to a gentleman of Bardfield, in this county (meaning the
 “ said county of Essex), that however things may be in the issue,
 “ most certainly the house is Mr. Perry’s. This uprightness of
 “ Mr. Wade’s is a very great ornament in a gentleman of his
 “ profession, and cannot fail to recommend him to the world.
 “ It is plain, Mr. Wade is influenced by truth, not by connec-
 “ tions. My lord (meaning the said Sir F. B.) you have been
 “ deceived ; my counsel has been deceived : for want of proper
 “ instructions to detect Mr. Clubb’s false representations of
 “ distinct admissions to the cottage (meaning the said cottage so
 “ formerly being one undivided cottage as aforesaid, and to which
 “ said Walter Waring, the son of said W. Waring, deceased, was
 “ so admitted as aforesaid) from Saffron Garden (he the said S. P.
 “ thereby meaning that said Charles C. in the evidence by him
 “ given in the aforesaid trial had falsely represented that the ad-
 “ mission contained in the court-rolls so by him produced and read
 “ in evidence as aforesaid of the said cottages so formerly being
 “ one undivided cottage as aforesaid, were admissions to the said
 “ cottages, as being such one undivided cottage as aforesaid,
 “ separate from the said croft of land called Saffron Garden) the
 “ cottage (meaning the said cottages so formerly being one undi-
 “ vided cottage as aforesaid), my lord, always passed with the
 “ land (meaning the said croft of land called Saffron Garden) ; and
 “ under that consideration I (meaning himself the said S. P.)
 “ was admitted by Mr. Bridge, of Dunmow, the former steward,
 “ who did business at all times with great reputation. Mr. Clubb’s
 “ (meaning the said C. C.’s) separate admission to the cottage
 “ (meaning the cottages aforesaid so formerly being one undivided
 “ cottage as aforesaid) is one long lie ; he (meaning the said
 “ C. C.) knows it to be so ; but in order to support that falsehood
 “ he is driven to the miserable wretched shift of saying the quit
 “ rent is lost, which is the most contemptible idea that ever
 “ entered into the head of a man. If there are distinct admissions
 “ to this cottage (meaning said cottages so formerly being one
 “ undivided cottage), I (meaning himself the said S. P.) would
 “ have had Mr. Clubb (meaning the said C. C.) asked in court if
 “ distinct

“ distinct copies could be produced; or what were the fines paid
 “ to the lord of the manor upon those admissions? these and such
 “ like questions would have confounded him (meaning the said
 “ C. C.) at once:” to the great damage, scandal, disgrace, and
 infamy of the said C. C. to the evil example of all others in the
 like case offending, and against the peace of our said lord the king,
 his crown and dignity. (2d Count, for printing and publishing
 in the Chelmsford Chronicle a libel to the like effect. 3d Count,
 writing and publishing. 4th Count, that C. C. was an improper
 person to be entrusted with the rolls of the manor. 5th Count, for
 publishing another libel in the Chelmsford Chronicle imputing
 fraud and corruption. 6th Count, as an attorney at law. 7th
 Count, another letter to the judge.) V. LAWES.

NUISANCE.

THE jurors for our sovereign lord the king upon their oath
 present, that T. Jones, late of R. aforesaid, butcher; J. James,
 late of the town aforesaid, butcher, &c. &c. and divers other per-
 sons to the jurors aforesaid unknown, on the day of , in
 the twelfth year of the reign of, &c. George the Third, with force
 and arms, at the town aforesaid, in a certain common and public
 street there called the Market Place, the same street then being
 and having been, from the time of which the memory of man is not
 to the contrary, the king's common highway, used by all the sub-
 jects of our said lord the king and his predecessors, with horses,
 coaches, carts, and carriages, and on foot, to go, return, pass, repass,
 ride, and labour, at their wills and pleasures, unlawfully and inju-
 riously did lead, drive, put, and place, and did cause and procure to
 be led, driven, put, and placed, a certain bull, and the same bull
 did then and there bait with dogs, and the same bull so baited with
 dogs in the same street and common highway, on the day and year
 aforesaid, at the town aforesaid, unlawfully and injuriously did cause
 to be and remain for a long space of time, to wit, for the space of
 three hours, whereby the said street and common highway, during
 the time last aforesaid, was very much obstructed, so that the liege
 subjects of our said lord the king could not through the said street
 and common highway, during the time last aforesaid, go, return,
 &c. with horses, &c. as they ought and were wont to do, to the
 great damage and common nuisance of all the liege subjects of our
 said lord the king in, by, and through the same street and common
 highway going, returning, &c. to the great terror of the inhabi-
 tants of the town, and against the peace, &c.

For baiting a
 bull in a mar-
 ket-place, being
 the king's high-
 way.

MIDDLESEX. Be it remembered, that on Monday next
 after fifteen days from Saint Martin, in the thirtieth year of the
 reign of our sovereign lord George the Second, of Great Britain,
 &c. in the court of our said lord the king, before the king himself,
 at Westminster, in the county of Middlesex, upon the oath of
 twelve jurors, good and lawful men of the county aforesaid, then
 and

Indictment for
 a nuisance in
 keeping a pack
 of hounds, and
 placing carrion
 near the road,
 whereby the air
 was infected.

Indictment.

and there sworn, and charged to enquire for our said lord the king for the body of the said county, it is presented as followeth, viz. Middlesex, to wit. The jurors of our present sovereign lord the king upon their oath present, that from time whereof the memory of man is not to the contrary, there was and yet is a certain public road and king's highway leading from the town of Uxbridge, in the county of Middlesex, to a certain place in the same county, commonly called Tyburn, and from thence to the city of London, in, upon, through, and along such said public road and king's common highway, great numbers of the liege proper subjects of our said present sovereign lord the king, as well on foot as with coaches, horses, chariots, chaises, waggons, carts, and other carriages, daily go, pass, and repass, about their necessary and lawful occasions: And the said jurors for our said present sovereign lord the king, upon their oath aforesaid, do further present, that John Bunnell, late of the parish of Saint Mary-le-Bone, in the county of Middlesex aforesaid, yeoman, upon the first day of March, in the twenty-ninth year of our said present sovereign lord George the Second, by the grace of God of Great Britain, &c. at the parish of Saint Mary-le Bone aforesaid, in the county of Middlesex aforesaid, was and long before had been, and ever since hath been, and yet is possessed of a certain house, commonly called Tyburn House, and of a certain house to the same house belonging, which said house and yard are situate, lying, and being within the parish of Saint Mary le-Bone aforesaid, in the county of Middlesex aforesaid, and are near adjoining to the public road and king's common highway lying and being at Tyburn aforesaid, to wit, within the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid; and that the said J. B. being so possessed of the said house and yard as aforesaid, and well knowing the premises aforesaid, but being a person of a wicked mind and disposition, and having no regard for the law of this realm, or for the health and welfare of the liege subjects of our said present sovereign lord the king, so going, passing, and repassing, in, upon, through, and along the said public road and king's common highway as aforesaid; and upon the first day of March, in the said twenty-ninth year of the reign of our said present sovereign lord the king, and at and upon divers other days and times between that day and the day of the taking of this inquisition, with force and arms, at the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, to wit, at the said house commonly called Tyburn House, and at and within the said yard to the same house belonging and adjoining, and also by and near the said part of the said public road and king's common highway aforesaid, lying and being within the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, to which the said house and yard are now adjoining as aforesaid, did unlawfully, wilfully, and injuriously keep, cause and procure to be kept a great number of dogs and bitches, that is to say, twenty dogs and twenty bitches; and the said several dogs and bitches he the said J. B. upon the said first day of March, in the twenty-

twenty-ninth year of the reign of our said present sovereign lord the king, and at and upon the said divers other days and times between that day and the day of the taking this inquisition, with force and arms, at the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, to wit, at the said house commonly called Tyburn House, and at and within the said yard to the same house belonging, and also by and near the said part of the said public road and king's common highway aforesaid, lying and being within the parish of Saint Mary-le-Bone, in the county of Middlesex aforesaid, to which the said house and yard are near and adjoining as aforesaid, did unlawfully and injuriously feed, and cause to be fed with offals, entrails, and pieces of stinking carrion and dead carcases of beasts and other filth, by reason whereof the air at or near the said part of the said public road and king's common highway aforesaid, lying and being within the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, to which the said house and yard are near adjoining as aforesaid, upon the said first day of March, in the twenty-ninth year aforesaid, and at and upon the said divers other days and times between that day and the day of the taking this inquisition, at the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, was and yet is filled and impregnated with noxious, hurtful, noisome, and offensive stinks and smells, to the common nuisance of all the liege people and subjects of our said present sovereign lord the king going, passing, and repassing, in, upon, through and along the said part of the said public road and king's common highway lying and being within the parish of St. Mary-le-Bone aforesaid, to which the said house and yard are near adjoining as aforesaid, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and also against the peace of our said present sovereign lord the king, his crown and dignity : And the jurors of our said present sovereign lord the king, upon their oath aforesaid, do further present, that from time whereof the memory of man is not to the contrary, there was and yet is a certain public road and king's common highway leading from the town of Uxbridge aforesaid, in the county of Middlesex aforesaid, to a certain place in the same county called Tyburn, and from thence to the city of London aforesaid, in, upon, through, and along which said last-mentioned road and king's common highway, great numbers of the liege people and subjects of our said present sovereign lord the king, as well on foot as with their horses, coaches, chariots, waggons, carts, and other carriages, daily go, pass, and repass, about their necessary and lawful occasions : And the said jurors for our said present sovereign lord the king upon their said oath do further present, that the said J. B. well knowing the premises last aforesaid, but being such person as aforesaid, upon the said first day of March, in the said twenty-ninth year of the reign of our said present sovereign lord the king, at the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, was, and long before had

ad Count, for placing carrion by and near the highway, leaving out *leaving out the dogs.*

been, and ever since hath been, and yet is possessed of a certain house, commonly called Tyburn House, and of a certain yard to the same house belonging, which said last-mentioned house and yard are situate and being within the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, and are near adjoining to a certain part of the said last-mentioned public road and king's common highway lying and being at T. aforesaid, to wit, within the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid; and that he the said J. B. being so possessed of the said last-mentioned house and yard as last aforesaid, upon the said first day of March, in the said twenty-ninth year of the reign of our said present sovereign lord the king, and at and upon divers days and times between that day and the day of the taking this inquisition, with force and arms, at the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, that is to say, at the said last-mentioned house commonly called Tyburn House, and at and within the said yard to the same house belonging, and also by and near that part of the said last-mentioned public road and king's common highway lying and being within the parish of Saint Mary-le-Bone, in the county of Middlesex aforesaid, to which the said last-mentioned house and yard are near adjoining as last aforesaid, did unlawfully, wilfully, and injuriously lay, place, and put, and caused and procured to be laid, placed, and put, several quantities of offals, entrails, and pieces of stinking carrion and dead carcases of beasts, and other filth, by reason whereof the air at and near the said part of the said last-mentioned public road and king's common highway lying and being within the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, to which the said last-mentioned house and yard are near adjoining as last aforesaid, upon the said first day of March, in the said twenty-ninth year of the reign of our said present sovereign lord the king, and at and upon the said divers other days and times between that day and the day of taking this inquisition, at the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, was and yet is filled, tainted, and impregnated with noxious, hurtful, noisome, and offensive stinks and smells, to the common nuisance of all the liege people and subjects of our said present sovereign lord the king going, passing, and repassing, in, upon, through, and along the said part of the said last-mentioned public road and king's common highway lying and being within the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, to which the said last-mentioned house and yard are near adjoining so as last aforesaid, in contempt of our said sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and also against the peace of our said sovereign lord the now king, his crown and dignity: And the jurors for our said present sovereign lord the king upon their said oath do further present, that from the time whereof the memory of man is not to the contrary, there was and yet is a certain public

3d Count, that certain persons whose names are unknown placed the carrion there, and that

defendant suffered it to remain.

road

road and king's common highway leading from the town of Uxbridge aforesaid, in the county of Middlesex aforesaid, to a certain place in the said county commonly called Tyburn, and from thence to the city of London, in, upon, through, and along which said last-mentioned public road or king's common highway great numbers of the liege people and subjects of our said present sovereign lord the king, as well on foot as with their horses, coaches, chariots, waggons, carts, and other carriages, daily go, pass, and repass about their necessary and lawful occasions : And the said jurors for our present sovereign lord the king upon their said oath present, that the said J. B. upon the said first day of March, in the said twenty-ninth year of the reign of our said present sovereign lord the king, at the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, was, and long before had been, and ever since hath been, and yet is possessed of a certain house, commonly called Tyburn House, and of a certain yard to the same house, which said last-mentioned house and yard are situate, lying, and being within the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, and are near and adjoining to a certain part of the said last-mentioned public road and king's common highway lying and being at Tyburn aforesaid, to wit, within the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid ; and that the said J. B. being so possessed of the said last-mentioned house and yard as last aforesaid, certain persons, whose names to the jurors aforesaid are yet unknown, upon the said first day of March, in the said twenty-ninth year of the reign of our said present sovereign lord the king, and at and upon divers other days and times between that day and the day of taking this inquisition, with force and arms, at the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, that is to say, at the said last mentioned house commonly called Tyburn House, and at and within the said yard to the same house belonging, and also by and near the said part of the said last mentioned public road and king's common highway lying and being within the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, to which the said last-mentioned house and yard are near adjoining as last aforesaid, did unlawfully and injuriously lay, place, and put several other quantities of offals, and pieces of stinking carrion and dead carcases of beasts, and other filth ; and that the said J. B. well knowing the premises last aforesaid, but being such person as aforesaid, upon the said first day of March, in the said twenty-ninth year of the reign aforesaid, and at and upon the said divers other days and times between that day and the day of taking this inquisition, with force and arms, at the parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex aforesaid, to wit, at the said last-mentioned house commonly called Tyburn House, and at and within the said yard to the same house belonging, and also by and near the said part of the said last-mentioned road and king's common highway lying and being within the said parish of Saint Mary-le-Bone aforesaid, in the county of Middlesex

lawfully and wickedly devising, contriving, and intending, not only to prevent the interment and burial of a certain dead body, to wit, the body of M. J. spinster, then lately deceased, but also to cause and procure the said body of the said M. J. to be dissected, on, &c. in the twenty-third year of the reign, &c. with force and arms, at, &c. in, &c. unlawfully and wickedly did conspire, combine, confederate and agree together to cause and procure the said dead body of the said M. J. to be taken and carried away from the workhouse for the poor of the said parish of, &c. in, &c. (wherein the said M. J. when living had lately before been kept and maintained as a poor impotent person, unable to maintain and provide for herself, and had departed this life), to the dwelling-house of the said T. Y. situate in, &c. in order and for the purpose that the said dead body of the said M. J. might and should be dissected, and that the said T. Y. in pursuance of and according to the conspiracy, combination, confederacy, and agreement between him and the said R. W. so as aforesaid before had, afterwards, to wit, on, &c. at, &c. in, &c. unlawfully and wickedly did cause and procure certain persons, to wit, J. W. &c. &c. &c. to go about the hour of ten at night, of the same day to the work-house of the poor of the parish aforesaid, when the body of the said M. J. then lay to receive, take, and carry away the said dead body from the work-house aforesaid, to the dwelling house of him the said T. Y. &c. situate in, &c. in order, and for the purpose that the said dead body might and should be dissected, and that the said J. W. &c. &c. by the procurement of the said T. Y. in pursuance of and according to the conspiracy, combination, confederacy, and agreement aforesaid, did then and there, to wit, on the said eighth day, &c. in the twenty-fifth year aforesaid, about the hour of ten at night, of the same day, at the said parish of, &c. in, &c. go to the said work-house for the poor of the said parish, for the dead body of the said M. J. and that the said R. W. then and long before being master of the said workhouse, in pursuance of and according to the conspiracy, combination, confederacy, and agreement between him and the said T. Y. so as aforesaid, before had, did then and there unlawfully and wickedly deliver and cause to be delivered, the said body of the said M. J. to the said J. W. &c. to take and carry away the same to the aforesaid dwelling-house, of the said T. Y. in order and for the purpose that the said dead body of the said M. J. might and should be dissected, and the said J. W. &c. &c. did then and there receive, take, and carry away the said dead body of the said M. J. from the said work-house, to the aforesaid dwelling-house of the said T. Y. and that the said R. W. and T. Y. in pursuance of and according to the conspiracy, confederacy, combination, and agreement between them so as aforesaid had, did then and there in manner and by the means aforesaid, unlawfully and wickedly wholly prevent the interment and burial of the said dead body of the said M. J. which of right should and ought to have been done and performed, according to the rights and ceremonies of the church of that
part

NUISANCE.

part of this realm called England, to the great scandal and disgrace of religion, in contempt of the laws and customs of this realm, to the evil and pernicious example of all others in the like case offending, and against the peace, &c. his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said R. W. on, &c. in the seventeenth year of the reign, &c. was in due manner appointed, according to the directions of a certain act of parliament in that behalf, to superintend, manage, and take care of the poor that then were or should thereafter be in the workhouse for the poor of the said parish of, &c. in, &c. and that on, &c. in the twenty-third year aforesaid, and long before that time, one M. J. a poor impotent person, unable to maintain and provide for herself, was kept and maintained in the aforesaid workhouse, under the superintendence, management, and care of the said R. W. and that on, &c. the said M. J. at &c. in, &c. to wit, in the aforesaid workhouse departed this life, and that the body of the said M. J. should and ought to have been decently interred and buried, according to the rites and ceremonies of the church of that part of this realm called England, in the burial ground belonging to the said parish, and that the said R. W. according to the duty of his said office, should and ought to have caused and procured the said dead body of the said M. J. to have been so decently interred and buried: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said R. W. and the said T. Y. knowing the premises last aforesaid, but the duties of the office of the said R. W. and the laws and customs of this realm in no wise regarding, unlawfully and wickedly contriving and intending not only wholly to prevent the interment and burial of the said dead body of the said M. J. but also to cause and procure the said dead body to be dissected, afterwards, to wit, on, &c. in the twenty-third year aforesaid, with force and arms, at, &c. in, &c. the said dead body of the said M. J. then and there being in the said workhouse, did unlawfully and wickedly take and carry away, and caused and procured to be taken and carried away, with an unlawful and wicked intention not only to prevent the interment and burial of the said dead body of the said M. J. but also that the said dead body should be dissected, contrary to the duty and office of him the said R. W. to the great scandal and disgrace of religion, in contempt of the laws and customs of this realm, to the evil and pernicious example of all others in the like case offending, and against the peace, &c. his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said R. W. and T. Y. being evil minded persons, and having no regard for religion, or the laws and customs of this realm, afterwards, to wit, on, &c. in the twenty-third year aforesaid, with force and arms, at, &c. in, &c. a certain dead body, to wit, the dead body of M. J. then lately deceased, then and there being in the said workhouse, for the poor of the said parish there situate, unlawfully and wickedly did take and carry away, and caused and procured

2d Count, that one of defendant's was appointed master, &c. by act of parliament, and that it was his duty, &c.

3d Count, took away for the purpose of dissection.

4th Count, for preventing incitement, &c.

cured to be taken and carried away, with an unlawful and wicked intention, to prevent the interment and burial of the said dead body of the said M. J. which should and ought to have been done and performed according to the rites and ceremonies of the church of that part of this realm called England, and also with an unlawful and wicked intention, that the said dead body of the said M. J. should be dissected, to the great scandal and disgrace of religion, in contempt of the laws and customs of this realm, to the evil and pernicious example, &c. &c. and against the peace, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said R. W. and T. Y. being evil minded persons, and having no regard for religion, or the laws and customs of this realm, afterwards, to wit, on, &c. in the twenty-third year aforesaid, with force and arms, at, &c. in, &c. a certain dead body, to wit, the body of M. J. then and there being in the said workhouse of the poor of the said parish there situate, unlawfully and wickedly did take and carry away, and caused and procured to be taken and carried away, with an unlawful and wicked intention to prevent the interment and burial of the said dead body of the said M. J. which ought to have been done and performed according to the rites and ceremonies of the church of that part of this realm called England, to the great scandal and disgrace of religion, in contempt of the laws and customs of this realm, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Pleas before our lord the king, at Westminster, of Hilary term, in the twenty-fourth year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c.

Among the pleas of the king.

ROLL.

Record of an indictment for a nuisance, diverting a water-course running into a public pond.

SOME time ago (that is to say), on Tuesday in the week next after the feast of Saint Michael the Archangel, to wit, the second day of October, in the twenty-fourth year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c. at the general quarter sessions of the peace of our lord the king, holden at Maidstone, in and for the county of Kent, before William Horsmedon Turner, esquire, Thomas honourable Robert Fairfax, esquire, William Champions, and James Calder esquires, and others their associates, justices of our said lord the king, assigned to keep the peace of our said lord the king in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the same county perpetrated, upon the oath of twelve jurors, good and lawful men of the said county, then and there impanelled, sworn, and charged to enquire for our said lord the king for the body of the said county,

county, it was presented as followeth (that is to say), Kent, *ff. Indictment.*
 The jurors for our sovereign lord the king upon their oath present, that from time whereof the memory of man is not to the contrary, there has been and still is a common water-course near a certain place called Throng, within the parish of Shorme, in the said county, which continually during all the said time, at all times of the year hath run and been used and accustomed and of right ought, without any obstruction or impediment, to run out of the land of Benjamin Smith, called Randal Heath, into and along the common highway, there leading from Throng aforesaid, to the village of Shorme, and into a certain pond in the said common highway there, and from the said pond into the lands of John Oakes, at which said water-course and pond the inhabitants of the said parish of Shorme, and all other his said majesty's subjects in and through the said common highway passing and repassing, all the said time have used, and of right been accustomed to water their cattle at their free will and pleasure; nevertheless the jurors aforesaid upon their oath present, that Benjamin Smith, late of the parish of Shorme, in the county aforesaid, gentleman, and Robert Shearman, late of the same place, labourer, on the twenty-seventh day of December 1749, with force and arms, at the parish aforesaid, in the county aforesaid, in and across the said water-course, in the said highway there, a certain mound, bank, or dam, did then and there make, erect, and build, and the same so high did raise, that the said water in its said ancient course was obstructed, and into the said pond did not run as it was used and accustomed and ought to do, so that the inhabitants of the said parish, and all others his majesty's subjects, in and through the said common highway passing and repassing, were and still are deprived of the use of the said pond and water for their cattle, and hindered from enjoying the same, as they ought and were wont to do: And the jurors aforesaid do further upon *ad Count.* their oath present, that from time whereof the memory of man is not to the contrary, there has been and still is a certain common water-course, near a certain place called Throng, within the said parish of Shorme, in the county aforesaid, which continually during all the said time, at all times of the year, hath run, and been used and accustomed and of right ought, without any obstruction or impediment, to run out of the land of Benjamin Smith, called Randal Heath, into a certain common public pond, lying near and open to a certain highway, there leading from the village of Throng aforesaid, to the village of Cobham, in the parish of Cobham, in the said county of Kent, between the said village of Throng, and a certain place there called Saint Thomas's Well, in the said parish of Cobham, and from the said pond into the lands of John Oakes there, at which said pond the inhabitants of the said parish of Shorme, and all other his majesty's subjects, in and through the said common highway passing and repassing during all the said time, have used and of right been accustomed to water their cattle, at their free will and pleasure; nevertheless

nevertheless the jurors aforesaid upon their oath present, that Benjamin Smith, late of the parish of Shorne, in the county aforesaid, gentleman, and Robert Shearman, late of the same parish, labourer, on the said twenty-seventh day of December, in the year aforesaid, with force and arms, at the parish aforesaid, and in the county aforesaid, in and across the water-course, in the land of the said Benjamin Smith, there a certain mound, bank, or dam, did then and there make, erect, and build, and the same so high did raise, that the said water-course was thereby stopped, and from its ancient course diverted, that the said water did not nor hath since run into the said pond, as it was used and ought to do, so that the inhabitants of the said parish, and all other the subjects of our said lord the king, passing and repassing in and through the said common highway, were and still are deprived of the use of the said pond and water for their cattle, and hindered from enjoying the same as they ought and were wont to do, to the great damage and common nuisance, not only of the inhabitants of the said parish of Shorne, but of all other the liege subjects of our said lord the king, in and through the common highway passing and going, and against the peace, &c. Which said indictment our said lord the king did afterwards, for certain reasons, cause to be brought before him, to be determined according to the law and custom of England; wherefore the sheriff of the said county of Kent was commanded, that he should not forbear by reason of any liberty in his said bailiwick, but that he should cause them to come to answer to our said lord the king, touching and concerning the premises aforesaid; and now (that is say) on Wednesday next after the octave of Saint Hilary, in the same term, before our said lord the king at Westminster, come the said Benjamin Smith and Robert Shearman, by John Wace their attorney, and having heard the said indictment read, they severally say that they are not guilty thereof; and hereupon they severally put themselves upon the country, and James Burrow, esquire, coroner and attorney of our said lord the king, in the court of our said lord the king, before the king himself, who prosecuteth for our said lord the king in this behalf, doth the like.

Certiorari.

For killing sheep
in highway and
street, leaving
entrails, blood,
and filth to re-
main, &c.

BERKS, *ff.* The jurors for our lord the king upon their oath present, that Edward Higgs, late of Maidenhead, in the county of Berks, butcher, on the day of May, in the tw ety sixth year of the reign of our sovereign lord George the Third, now king of Great Britain, and so forth, and on divers other days and times then before, at Maidenhead aforesaid (to wit), in the parish of Bray, in the town of Maidenhead aforesaid, in the county aforesaid, and near the dwelling-houses of divers liege subjects of our said lord the king, and also near a certain open and public street and road there, commonly called Maidenhead-street, the said public street and road being a common street and road and thoroughfare

thoroughfare, for all the subjects of our said lord the king, with coaches, carriages, horses, waggons, carts, goods, chattels, and merchandises, to go, return, or pass at their will and pleasure, did unlawfully and injuriously kill and slay, and cause to be killed and slayed forty sheep, and the excrements, blood, entrails, and other filth coming from the said sheep, did then and on the said other days and times there cause and permit to lie and remain in the said open and public street and road for a long time, whereby divers *filthy* (1) and unwholesome smells, from the excrements, (1) "noisome" blood, entrails, and other filth coming from the said sheep as aforesaid, then and on the said other days and times there did arise, so that the air there was greatly corrupted and infected, to the great damage and common nuisance, not only of all the liege subjects of our said lord the king, near the same place inhabiting and *dwelling* (2), but also of all other liege subjects of our said lord the (a) "residing" king, in, by, and through the said common streets and highways aforesaid, going, returning, and passing, and against the peace of our said lord the king, his crown and dignity: And the aforesaid jurors of our said lord the king upon their oath do further present, that the said Edward Higgs, on the said day of May, in the said twenty-sixth year of the reign of king George the Third, now king of Great Britain, &c. and on divers other days and times as well before as after, with force and arms, at the parish aforesaid, in the county aforesaid, near the dwelling-houses of divers liege subjects of our said lord the king, and also near divers streets and common highways, then did hang out and expose, and cause to be hung out and exposed in the public and open street and road aforesaid, for sale, the bodies and carcases of divers oxen, cows, heifers, sheep, lambs, calves, and pigs, and did then and there, on the said day of aforesaid, and divers other days and times, between that day and the day of the taking of this inquisition, cause and permit to remain in the said open street and common highway for a long time, whereby divers noisome and unwholesome smells did then, and on the said other days and times there arise, so that the air there was greatly corrupted and infected, to the great damage and common nuisance of all the subjects of our said lord the king, not only near the same place inhabiting and residing, but also in and through the said common streets and highways going, returning, and passing, and against the peace of our said lord the king, his crown and dignity.

MIDDLESEX: The jurors for our lord the king upon their oath present, that Henry Row, late of the parish of Saint Mary-le-Bone, in the county of Middlesex, mason, on the first day of January, in the nineteenth year of the reign of our loved reign lord George the Third, king of Great Britain, and so forth, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously did erect and cause to be erected a certain building called a necessary-house, upon a certain piece of land, whereof he

Indictment for erecting a necessary-house so near the public street and highway, that it became a common nuisance.

the said Henry Row was then and there occupier, adjacent to and within fifty feet of a certain road, from the north end of Portland-street cros the Farthing Pye-house fields into a new road, from the great northern road at Islington, to the Edgware road, near Paddington, in the said county of Middlesex, and the aforesaid building so made and erected as aforesaid, from the same day and year aforesaid, at the parish aforesaid, in the county aforesaid, until the day of the taking this inquisition, unlawfully and injuriously did continue and still doth continue, to the great damage and common nuisance of all the liege subjects of our said lord the king not only thereabouts inhabiting and dwelling, but also all those subjects in, by, and through the same road going, returning, passing, and travelling, against the form of the statute in such case made and provided, in contempt of our said lord the king and his laws, and also against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that on the first day of January, in the nineteenth year of the reign of our sovereign lord George the Third, king of Great Britain, and so forth, at the parish of St. Mary-le-Bone, in the county of Middlesex, a certain road was erected and made from the north end of Portland-street, in the parish aforesaid, across the Farthing Pye-house fields, into a certain road, from the great northern road at Islington, to the Edgware road near Paddington, in the said county of Middlesex, by virtue of and in pursuance of a certain act of Parliament made and passed in the twenty-ninth year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, &c intitled "An act to enable the respective trustees of the turnpike roads, leading to Highgate, Gatehouse, and Hampstead, and from Saint Giles's Pound to Kilbourne Bridge, in the county of Middlesex, to make a new road from the great northern road at Islington, to the Edgware road near Paddington, and also from the north end of Portland-street, cros the Farthing Pye-house fields, into the said new road, and for enlarging the terms and powers granted by two several acts, for repairing the said road, from Saint Giles's Pound to Kilbourne Bridge." And the jurors aforesaid, upon their oath aforesaid, do further present, that in and by the aforesaid act of Parliament, it was amongst other things ordained and enacted, that no building should be erected on any new foundation by any proprietor or occupier of lands adjacent to the said new road, within fifty feet of the said road, and that no part of the said new road should be paved, and if any such buildings should be thereafter erected, or any part of such new road should be paved contrary to the true intent and meaning of such act, the same should be deemed common nuisances: And the jurors aforesaid, upon their oath aforesaid, do further present, that Henry Row, late of the parish of Saint Mary-le-bone, in the county of Middlesex, mason, on the first day of January, in the nineteenth year of the reign of our sovereign lord George the Third, king of Great Britain, and

ORDERS OF JUSTICES DISOBEYING.

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So forth, was the occupier of certain lands adjacent to and within fifty feet of the said road, to wit, of a certain piece of land on the east side of the road, from the north end of Portland-street, crosses the Farthing Pye-house Fields, into the aforesaid new road: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Henry Row, well knowing the premises, afterwards, to wit, on the said first day of January, in the nineteenth year aforesaid, at the parish last aforesaid, in the county aforesaid, unlawfully and injuriously did erect and cause to be erected a certain building on a new foundation, (he the said Henry Row, being occupier of such lands), adjacent to the said new road, within fifty feet of the said new road, in contempt of our said lord the king and his laws, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

I think this indictment is a good one upon the Act of Parliament.

H. HOWARTH.

ORDERS OF JUSTICES DISOBEYING.

LANCASHIRE, to wit. The jurors for our sovereign lord the king upon their oath present, that Isabel Timpenny, of the township of Arkhome with Cawood, in the parish of Milling, in the county of Lancashire, single woman, before the making of the order of justices, hereafter-mentioned, to wit, on the nineteenth day of July, in the year of Our Lord 1789, at the said township of Arkhome with Cawood, in the said parish of Milling was delivered of a living male bastard child: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Isabel Timpenny having been so delivered of such bastard child, within the township aforesaid, afterwards, to wit, on the fourteenth day of October, in the year aforesaid, at the township aforesaid, complaint thereof, and that the said child was then christened by the name of John, and was then chargeable to the said township, and likely so to continue, was by the overseers of the poor of the said township of Arkhome with Cawood, made to James Fenton, esquire, and Thomas Bateman, esquire, two of his majesty's justices of the peace, and quorum, in and for the said county of L. and residing next unto the limits of the said parish church of Melling, in the said parish of Melling, in the said county, and she the said I. T. was by them the said overseers of the poor then and there brought, and personally appeared before the said justices, so residing, to be and was thereupon then and there examined upon oath by and before the said justices, of and concerning the cause and circumstance of the begetting and birth

Indictment at the quarter sessions, against father of a bastard child, for disobeying an order of justice for its maintenance and relief.

of such bastard child: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Isabel Timpenny, upon her said examination upon oath then and there taken, in writing by and before the said justices deposed and declared, that she was delivered of such bastard child as aforesaid, and that Robert Altham, of Wrayton, in the said county, husbandman, was the true and only father of the said bastard child: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said James Fenton, esquire, and Thomas Bateman, esquire, so being such justices residing as aforesaid, did thereupon afterwards, to wit, on the same day and year last aforesaid, at the township of Arkhome with Cawood aforesaid, duly summon the said Robert Altham to be and appear before them the said justices to make his defence of and concerning the premises, and to shew cause why an order of maintenance should not be made upon him for the cause aforesaid; to which said summons, he the said Robert Altham, then and there before the making of any order in that behalf, personally appeared before the said justices, but did not make any sufficient defence, or shew any cause why an order should not be made upon him; whereupon the said justices, upon hearing of the said complaint upon oath, afterwards, to wit, on the day and year last aforesaid, at the township aforesaid, did by their discretion take order of and concerning the premises, and by their said order in writing, under their hands and seals, bearing date the said fourteenth day of October, in the year of Our Lord 1789, reciting to the effect hereinbefore mentioned, adjudge the same to be true, and thereby, as well upon examination of the cause and circumstances of the premises, upon the oath of the said Isabel Timpenny as otherwise, did declare and adjudge the said Robert Altham to be the reputed father of the said bastard child, and thereupon, as well for the better relief of the said township of Arkhome with Cawood, as for the keeping and relief of the said bastard child, did thereby order that the said Robert Altham should forthwith pay or cause to be paid to the overseers of the poor of the said township of Arkhome with Cawood or some of them, the sum of twenty shillings, which they had expended and been put unto by reason and on account of the said Isabel Timpenny's lying-in, and in maintaining the said bastard child at the time of making the said order, and also that the said Robert Altham should pay or cause to be paid to the overseers of the poor of the said township, for the time being, or some of them, the sum of one shilling in in money, weekly and every week from that present time, for and during so long a time as the said bastard child should be chargeable to the said township of A. with C. for and towards the relief and keeping of the said bastard child: And the jurors aforesaid, upon their oath aforesaid, do further present, that after the making the said order, to wit, on the day and year last-aforesaid, at the township aforesaid, notice of the aforesaid order was duly given to him the said Robert Altham, and that he the said R.A. was duly made acquainted with the contents thereof: And the jurors aforesaid,

aforesaid, upon their oath aforesaid, do further present, that the said bastard child is yet living, and hath always from the time of making the said order, until the day of taking this inquisition, been and continued, and now is chargeable to the said township of Arkhome with Cawood, to wit, at the township aforesaid, and that before and at the time of making of the said order, and from thence continually till the taking of this inquisition, one and one were and still are overseers of the poor of the said township of Arkhome with Cawood, duly constituted, of which he the said Robert Altham there had due notice, to wit, at the township aforesaid: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Altham, not regarding the said order, nor the laws and statutes in such case made and provided, did not upon notice of the said order forthwith pay or cause to be paid to the said overseers of the poor of the said township of Arkhome with Cawood, or any of them the said sum of twenty shillings so by them expended, by reason and on account of the said Isabel Timpenny's lying in, and in maintaining the said bastard child as aforesaid, nor hath he the said Robert Altham, at any time or times whatsoever, from the time of making the said order, hitherto paid to the overseers of the poor of the said township of A. with C. for the time being, or any of them the said sum of twenty-shillings, or the said sum of one shilling, in money weekly and every week, from the time of making the said order (although so to do he the said Robert Altham afterwards, to wit, on the sixth day of April, in the year of Our Lord 1790, and often both before and afterwards, to wit, at the township aforesaid, had been duly requested); but on the contrary thereof, he the said Robert Altham, on and from the said fourteenth day of October, in the said year of Our Lord 1789, unto the taking of this inquisition, unlawfully, wilfully, obstinately, and contemptuously hath neglected and refused to pay, or cause the said sum of twenty shillings so by them paid as aforesaid, as also the said sum of one shilling weekly and every week, from the time of making the said order hitherto, contrary to the direction of the said order, and in manifest breach and contempt of the same, to the great damage of the inhabitants of the said township of A. with C. to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

THE indictment recites an order of sessions, made the eleventh of January, in the thirtieth year of the reign of our sovereign lord George the Second, directing that the defendant Robert Robinson should from the date thereof, weekly and every week, pay or cause to be paid unto the overseer of the parish of Waterfall, for the time being, the sum of two shillings, for the relief of his said grand-child, James Robinson, (*prout* the order), with which order the defendant was duly and legally served, on the twenty-first of the same January; and the charge is that the defendant

Indictment for a contempt in disobeying an order of justices.

sendant not regarding the said order, nor the laws and statutes of this kingdom, did not on the twenty-first day of January, in the thirtieth year of the reign of our sovereign lord George the Second, nor hath since the date of the said order, weekly and every week, or otherwise howsoever paid or cause to be paid unto the overseer of the poor of said parish of Waterfall, for the time being, either the said sum of two shillings, for the relief and maintenance of the said J. R. or the like sum of two shillings, for the relief and maintenance of the said P. R. or any part of either of the said sums, nor hath he the said R. R. at any time or times from or since the date of the said orders relieved, maintained, or provided for them the said J. R. or P. R. or either of them, according to law, but he the said R. R. on the twenty-first day of January, in the thirtieth year of the reign of our sovereign lord George the Second, and continually afterwards, until the day of taking this inquisition, unlawfully, wilfully, obstinately, and contemptuously did and yet doth neglect and refuse to pay or cause to be paid unto the overseer of the poor of the said parish of Waterfall, for the time being, weekly and every week, from the date of the said order, the said several and respective sums above mentioned, contrary to the purport and direction of the said order, and in manifest breach and contempt of the same, to the great damage of the inhabitants of the parish of Waterfall, to the evil example of all others in like case offending, and against the peace, &c. &c.

PERJURY.

For perjury in an affidavit of debt, in K. B. sworn before a commissioner in the country.

DORSETSHIRE, to wit. The jurors of our lord the king upon their oath present, that Edward Byron, late of Langham, in the county of Southampton, merchant, wickedly and maliciously devising and intending unjustly and unlawfully to aggrieve, injure, and oppress one William Doddrell, and also to subject him, without any just cause, to divers costs and charges, and to force and oblige him to suffer and undergo many great and arduous troubles both of body and mind, and to ruin him, and also to cause and procure the sum of forty-five pounds eleven shillings to be indorsed upon a certain writ of our said lord the now king, called a *latitat*, issued out of the court of our said lord the now king, before the king himself, by virtue whereof he the said William Doddrell might be arrested to answer in the same court, at the suit of the said E. Byron, with an intention that the said W. D. might be compelled to find bail for the sum of forty-five pounds eleven shillings, according to the form of the statute in such case made and provided, on the twentieth day of April 1784, at Wimborne Minister, in the said county of Dorset, in his own proper person, came before William Dean, gentleman (he the said Wm. Dean then

then and there being one of the commissioners of our said lord the king, duly authorized and empowered to take affidavits in the court of our said lord the king, before the king himself), and did then and there take his corporal oath upon the holy gospel of God, before the said William Dean (he the said William Dean then and there having sufficient power and authority to administer the said oath to the said E. B. in that behalf, by virtue of a certain act of parliament made at a parliament holden by several prorogations, at Westminster, on the twentieth day of January, in the twelfth year of the reign of the late king George the First, of Great Britain, France, and Ireland, entitled, "An Act to prevent frivolous and vexatious Arrests"); and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, he the said E. B. did then and there, before the said William Dean, one of the said commissioners as aforesaid, upon his oath aforesaid, falsely, maliciously, wilfully, and corruptly say, depose, swear, and make affidavit in writing, that he the said W. D. therein named and described by the name and description of William Doddrell, of Shepton Mallett, in the county of Somerset, inn-holder, was then justly and truly indebted unto him the said E. B. in the sum of forty-five pounds eleven shillings, upon the balance of accounts for goods sold and delivered by him the said E. B. to him the said W. D. and for money paid, laid out, and expended by the said E. B. for the use of the said W. D. and for money had and received by the said W. D. to and for the use of the said E. B. which said affidavit was intituled in the king's bench as by the said affidavit filed in the said court of our said lord the now king, before the king himself, the said court then and still being at Westminster aforesaid, may more fully appear; whereas in truth and in fact, at the said times when the said E. B. did take his said oath, and make his said affidavit, in manner and form above mentioned, the said W. D. was not justly and truly indebted unto the said E. B. in the sum of forty-five pounds eleven shillings, upon the balance of accounts, for goods sold and delivered by the said E. B. to the said W. D. and for money paid, laid out, and expended by the said E. B. to and for the use of the said W. D. and for money had and received by the said W. D. for the use of the said E. B. which he the said E. B. at the time of taking such oath, and making such affidavit, well knew, to wit, at Wimborne Minster aforesaid, in the said county; and whereas in truth and in fact, at the said time when the said E. B. did take his said oath and make his said affidavit, in manner and form above mentioned, the said W. D. was not justly and truly indebted to the said E. B. in the sum of forty-five pounds eleven shillings, or in any part thereof, or in any sum of money whatsoever, upon the balance of any accounts or account, for goods sold and delivered by the said E. B. to the said W. D. which he the said E. B. at the time of taking such oath, and making such affidavit, well knew, to wit, at Wimborne Minster aforesaid, in the said county; and whereas in truth and in fact, at the said time when the said E. B. did take his said

* In the Country.

oath, and make his affidavit, in manner and form above-mentioned, he the said W. D. was not justly and truly indebted to the said E. B. in the sum of forty-five pounds eleven shillings, or in any part thereof, or in any other sum whatsoever, upon the balance of any accounts or account for money paid, laid out, and expended by the said E. B. for the use of the said W. D. which he the said E. B. at the time of taking such oath, and making such affidavit well knew, to wit, at, &c.; and whereas in truth and in fact, at the time when the said E. B. did take his said oath, and make his said affidavit, in manner and form above mentioned, he the said W. D. was not justly and truly indebted to the said E. B. in the sum of forty-five pounds eleven shillings, or in any part thereof, or in any sum of money whatsoever, upon the balance of any accounts or account for money had and received by the said W. D. for the use of the said E. B. which he the said E. B. at the time of taking such oath, and making such affidavit, well knew, to wit, at, &c.; and whereas in truth and in fact, at the said time when the said E. B. did take his said oath, and make his said affidavit, in manner and form above mentioned, he the said W. D. was not justly and truly indebted to the said E. B. in the sum of forty-five pounds eleven shillings, or in any part thereof, or in any sum of money whatsoever, upon the balance of any accounts whatsoever, or for any cause or causes whatsoever, which he the said E. B. at the time of taking such oath, and making such affidavit, well knew, to wit, at, &c. And so the jurors aforesaid, upon their oath aforesaid, do say, that the said E. B. on the said twentieth day of April 1784, at Wimborne Minster aforesaid, in the said county of Dorset, before the said William Dean, so as aforesaid having sufficient power and authority to administer the said oath to the said E. B. in that behalf, falsely, wickedly, maliciously and corruptly, in manner and form above-mentioned, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the great damage of the said W. D. to the evil example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity, &c.

Drawn by MR. CROMPTON.

Indictment for perjury in swearing a child to one J. P. before a justice of the peace in the country.

SOMERSETSHIRE, to wit. The jurors for our lord the king, upon their oath present, that Jane Muggleworth, late of the parish of Kewstoke, in the said county of Somerset, single woman, on the third day of November 1785, and in the twenty-sixth year of the reign of our sovereign lord the now king, at the parish of Kewstoke aforesaid, in the said county, was pregnant with child, and that the said child was likely to be born a bastard, and to be chargeable to the said parish of K. in the said county: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Jane Muggleworth so being pregnant with child as aforesaid, not having the fear of God before her eyes, but

but being moved and seduced by the instigation of the devil, and wickedly and maliciously contriving and intending not only to deprive John Parsons, late of the parish aforesaid, in the said county, labourer, of his good name, fame, and reputation, and to put the said John Parsons to great labour, trouble, and expence, and also falsely to charge the said J. P. with begetting her with child, and being the father of the said child with which she the said Jane Muggleworth was then pregnant, on the same day and year aforesaid, at the parish of K. aforesaid, in the said county of S. in her own proper person, came before J. Haskins, clerk, then being one of his majesty's justices of the peace, assigned to keep the peace of our said lord the king for the said county of S. and also to hear and determine divers felonies, trespasses, and misdemeanors, committed in the said county; and then and there having sufficient power and authority to administer an oath to, and take the examination of her the said Jane Muggleworth hereinafter mentioned; and then and there the said Jane Muggleworth was sworn, and took her corporal oath before the said J. Haskins, on the holy gospel of God; and the said Jane Muggleworth did then and there, upon her oath aforesaid, before the said J. Haskins as aforesaid, wilfully, and of her own free will and accord, falsely, wickedly, and corruptly say, depose, and swear, and give in her examination in writing, as followeth, to wit,—Somerfet: The voluntary examination of Jane Muggleworth, of Kewstoke, in the said county, single woman, taken on oath before me J. H. one of his majesty's justices of the peace in and for the said county, this third day of November, who saith that she is now with child, and that the said child is likely to be born a bastard, and to be chargeable to the parish of K. in the said county; and that John Parsons, of K. aforesaid, in the said county, labourer (meaning the said J. P.), is the father of the said child, as by the said examination, relation being thereunto had, doth and may more fully appear; whereas in truth and in fact, the said J. P. was not, nor is the father of the said child with which the said J. M. was then pregnant as aforesaid, nor of any other child of the body of the said J. M.: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said J. M. on the said third day of November 1785, at the parish of K. aforesaid, in the said county, before the said J. H. so being one of his majesty's justices of the peace in and for the said county as aforesaid, and so having sufficient power and authority to administer the said oath to the said J. M. and to take her examination hereinbefore mentioned, falsely, maliciously, wickedly, wilfully and corruptly, on her oath aforesaid, in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the evil example of all others in the like case offending, to the great damage of the said J. P. and against the peace of our said lord the king, his crown and dignity, &c.

Drawn by MR. CROMPTON.

SOMER-

Indictment for
subornation of
perjury, for pro-
curing a woman
to swear a bas-
tard child to one
J. P.

SOMERSETSHIRE, to wit. The jurors for our lord the king upon their oath present, that one Jane Muggleworth, late of the parish of Kewstoke, in the said county of Somerset, single woman, on the third day of November 1785, and in the twenty-sixth year of the reign of our sovereign lord the now king, at the parish of K. aforesaid, in the said county, was pregnant with child, and that the said child was likely to be born a bastard, and to be chargeable to the parish of K. aforesaid, in the county aforesaid: And the jurors aforesaid, upon their oath aforesaid, further present, that on the same day and year aforesaid, at the parish of K. aforesaid, one Wm. Bennett, late of Norton, in the parish of K. aforesaid, in the county aforesaid, yeoman, being a person of an evil mind and wicked disposition, and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and wickedly and maliciously contriving, devising, and intending, not only to deprive John Parsons, late of the said parish of K. in the said county, labourer, of his good name, fame, and reputation, and to put him to great trouble and expence, and also to cause the said J. P. to be falsely charged with begetting the said Jane Muggleworth with child, and with being the father of the said child with which the said Jane Muggleworth was then and there pregnant, did falsely, corruptly, knowingly, wilfully, and wickedly, solicit, suborn, and procure the said Jane Muggleworth to go before one J. Haskins, clerk, he the said J. Haskins, then being one of the justices of our said lord the king, assigned to keep the peace of our said lord the king in and for the said county of S. and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, and make oath that one J. P. of, &c. labourer (meaning the said John Parsons) was the father of the said child with which she was so pregnant: And the jurors aforesaid, upon their oath aforesaid, do further present, that in consequence, and by the means, encouragement, and effect of the said wicked and corrupt subornation and procurement of the said William Bennett, she the said Jane Muggleworth afterwards, to wit, on the same third day of November, in the year aforesaid, at the parish of K. aforesaid, in the said county, did go in her proper person before the said J. Haskins being such justice as aforesaid, and then and there having sufficient power and authority to administer an oath and take the examination of the said Jane Muggleworth hereinafter mentioned, and then and there the said Jane Muggleworth was sworn, and took her corporal oath before the said J. Haskins, on the holy gospel of God; and the said Jane Muggleworth being so sworn as aforesaid, by the means and in consequence of the said wicked solicitation, subornation, and procurement of the said W. Bennett, did then and there, upon her oath aforesaid, before the said J. Haskins, being such justice as aforesaid, falsely, wickedly, wilfully, and corruptly say, depose, and swear, and give in her examination in writing, as followeth:—"County of Somerset: The voluntary examination of Jane Muggleworth, of Kewstoke, in the said county, single woman, taken on oath before me J. Haskins, one of his majesty's

majesty's justices of the peace in and for the said county, this third day of November, who saith that she is now with child, and that the said child is likely to be born a bastard, and to be chargeable to the parish of K. in the said county; and that John Parsons, of Kewstoke aforesaid, in the said county, labourer (meaning the said John Parsons), is the father of the said child," as by the said examination, relation being thereunto had, may more fully and at large appear; whereas in truth and in fact, the said William Bennett, at the time of the soliciting, suborning, and procuring the said Jane Muggleworth, corruptly and falsely to swear as aforesaid, well knew that the said J. P. was not the father of the said child with which she was so then pregnant as aforesaid: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said William Bennett, on the same thirtieth day of November, in the twenty-sixth year, &c. at the parish aforesaid, did falsely, corruptly, knowingly, wilfully, and wickedly suborn and procure the said Jane Muggleworth to commit wilful and corrupt perjury, in and by her oath aforesaid, before the said J. Haskins, so then and there having lawful and competent authority to administer the said oath, to the great displeasure of Almighty God, in contempt of our said lord the king and his laws, to the evil and bad example of all others in like case offending, and against the peace of our said lord the king, his crown and dignity, &c.

Drawn by MR. CROMPTON.

THE KING, } CITY of Exeter, to wit. The jurors for our Indictment for
 v. } sovereign lord the king, upon their oath present, perjury in depo-
 TURNER. } that Anne, the wife of Joseph Turner, late of sitions in the
 Sidmouth, in the county of Devon, inn-holder, on the sixth day ecclesiastical
 of December 1786, at the parish of , in the city of Exeter court, in a suit
 aforesaid, in the county of the same city, in her own proper person there depending
 came before James Newcombe, then and still being surrogate for defamation.
 in the archdeaconry court of the diocese of Exeter, in due manner constituted and appointed, and was then and there produced as a witness, and sworn and examined on the part and behalf of one Sarah Mapleston, the promovent or plaintiff in a certain action or suit before that time instituted for defamation in the aforesaid court, and then depending in the said court in which said action or suit the said S. M. was promovent or plaintiff; and one Henry Conslame (by the name and description of Henry Keslame, otherwise Kerlame, otherwise Karlame, otherwise Carlame, otherwise Cesslame, otherwise Cerlame); and the said Ann Turner was then and there before the said James Newcombe, surrogate as aforesaid, sworn touching and concerning the several matters contained in a certain libel before then exhibited in the aforesaid action or suit; and the said Anne did then and there take her corporal oath upon the holy gospel of God, touching and concerning the truth of the several matters in the said libel contained (he the said James Newcombe, surrogate as aforesaid, then and there having competent

competent and sufficient authority to administer the said oath to the said Anne); and the said Anne being so sworn as aforesaid, and being a person of a corrupt and wicked mind and disposition, and wilfully and maliciously devising, contriving, and intending to draw down the censures of the said ecclesiastical court upon the said Henry Carlame, and to cause him to be excommunicated, and to be put to great costs and charges, and to cause him to suffer other the pains and penalties by the said court inflicted on persons guilty of defamation; and not having the fear of God before her eyes, but being moved and instigated by the instigation of the devil, then and there, to wit, on the said sixth day of December 1786, at the parish aforesaid, in the city and county of the said city aforesaid, before the said James Newcombe, so being surrogate as aforesaid, and so having competent and sufficient authority to administer the said oath to the said Anne, upon her said oath did falsely, knowingly, wilfully, wickedly, maliciously and corruptly, by her own act and consent, and of her own most wicked, corrupt, and malicious mind and disposition, depose, repeat, and acknowledge, that sometime in the month of May or June 1786, but which of the said months she (meaning the said Anne the deponent) did not recollect, as she this deponent (meaning the said Anne) about eight or nine o'clock at night was at her (meaning the said Anne's) own lodging-room window, which (meaning the said window) was open, she (meaning the said Anne) saw the defendant Henry Carlame (meaning the said H. C. the defendant in the said action or suit) on his (meaning his the said H. C.'s) return from Ottery, where he (meaning the said H. C.) had that day been sworn assessor of the window-tax, stop at the house of Mr. John Sweetland (meaning one J. Sweetland), which (meaning the house of the said J. S.) is opposite this deponent's (meaning the house of the said Anne), and called Mr. Sweetland (meaning the said J. S.) out in the street, and said to him (meaning the said J. S. and thereby meaning that he the said H. C. said to the said J. S. the words following, to wit): "I (meaning the said H. C.) have kept Sarah Mapledon (meaning the said S. M. the promovent or plaintiff in the said action or suit) common for these seven years; she (meaning the said S. M.) hath given me the bad disorder, and three or four gentlemen more of my (meaning his the said H. C.'s) acquaintance. I (meaning the said H. C.) have found her (meaning the said S. M.) all the clothes to her (meaning the said S. M.'s) back, and you (meaning John Sweetland) ride her (meaning the said S. M.) about continually:"—thereby as she this deponent (meaning the said Anne the deponent) believes (meaning the said S. M. had been a whore to him and the said three or four gentlemen, and also to the said J. S. speaking of the said S. M. the plaintiff, and meaning and intending her meaning the said S. M.);—whereas in truth and in fact, he the said H. C. did not, in the months of May or June 1786, or at any other time or times, say that he the said H. C. had kept S. M. common for these seven years,

nor

nor that she the said S. M. had given the said H. C. the bad disorder, and three or four gentlemen more of his acquaintance, nor that he had found her all the clothes to her back, and that the said J. S. rode her about continually, nor any other defamation whatsoever of the said S. M.; and so the jurors aforesaid, on their oath aforesaid, do say, that the said Anne, on the sixth day of December 1786, at the parish aforesaid, in the city and county of the city aforesaid, before the said James Newcombe, surrogate as aforesaid, and then and there having competent and sufficient authority to administer the said oath to the said Anne, by her own act and consent, and of her own most wicked, corrupt, and malicious mind and disposition, in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Anne afterwards, to wit, on the day of , at the parish aforesaid, in the city and county of the city aforesaid, in her own proper person, came before James Newcombe, surrogate as aforesaid, and was then and there produced again as a witness, and sworn and examined on the part and behalf of the said S. M. the promovent or plaintiff in the said action or suit instituted by the said S. M. for defamation in the aforesaid court, and then depending in the said court, in which said action or suit the said S. M. was promovent or plaintiff and the said H. C. was defendant; and the said Anne was then and there, before the said James Newcombe, surrogate as aforesaid, sworn to speak the truth respecting divers interrogatories to her the said Anne then and there administered by the said James Newcombe, surrogate as aforesaid: and that the said Anne did then and there take her corporal oath upon the holy gospel of God touching and concerning the truth of the several interrogatories to her the said Anne in form aforesaid administered by the said James Newcombe, surrogate as aforesaid, he the said James Newcombe, surrogate as aforesaid, then and there having sufficient and competent power and authority to administer the said oath to the said Anne; and that the said Anne being so sworn as aforesaid, and being a person of a corrupt and wicked mind and disposition, and wilfully and maliciously contriving, devising, designing, and intending to draw down the censures of the said ecclesiastical court upon the said H. C. and to cause him to be excommunicated, and to be put to great costs and charges, and to cause him to suffer other the pains and penalties by the said persons inflicted on persons guilty of defamation, and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, then and there, to wit, on the same day and year last aforesaid, at the parish aforesaid, in the county of the said city, before the said James Newcombe, so being surrogate as aforesaid, and so having competent and sufficient authority to administer the said oath to the said Anne to the said several interrogatories so being administered to her as aforesaid, did,

did, upon her oath aforesaid, again depose, repeat, and acknowledge, amongst other things, in manner following, that is to say, to the second interrogatory she the said Anne answered, that she (meaning the said Anne) was at her (meaning the said Anne's) lodging-room window, which she (meaning the said Anne) believes was about eight or ten yards from the ministrant (meaning the said H. C.) ; that it was light enough, and she (meaning the said Anne) was near enough to distinguish, that it was the ministrant Carlame (meaning the said H. C.) who spoke the defamatory words (meaning the said defamatory words in the first Count of this inquisition mentioned) : To the third interrogatory she the said Anne answered, that the plaintiff (meaning the said S. M.) was not present at the time the defamatory words were spoken, but that her (meaning the said S. M.'s) christian and surname were both mentioned by the ministrant (meaning the said H. C.) as set forth in the preceding deposition (meaning the aforesaid deposition in the aforesaid first Count mentioned) : To the seventh interrogatory the said Anne answered and said, that she (meaning the said Anne) told Mr. Carlame (meaning one Edward Bamfylde Carlame), the defendant's (meaning the said H. C.'s) brother, that she (meaning the said Anne) did not know it was the ministrant (meaning the said H. C.), his brother, in the street, at first, being then in her (the said Anne's) kitchen, but that on her (meaning the said Anne's) going to the (meaning the said Anne's) lodging-room window, she (meaning the said Anne) found it to be the ministrant (meaning the said H. C.), and heard him (meaning the said H. C.) repeat the defamatory words by her (meaning the said Anne) before set forth (meaning the aforesaid defamatory words) ; she (meaning the said Anne) further told Mr. Carlame (meaning the said E. B. C.) that she (meaning the said Anne) was surprized that his (meaning the said E. B. C.'s) brother (meaning the said H. C. the ministrant) should accuse Mr. Sweetland (meaning the said J. S.) of riding about the promovent S. M. (meaning the said S. M.) but denies she (meaning the said Anne) ever said she (meaning the said Anne) did not know it was the ministrant (meaning the said H. C.) who had spoke the defamatory words till told so by Mr. Sweetland (meaning the said J. S.) : To the eighth interrogatory the said Anne answered, that the conversation or defamatory words for which the said S. M. had instituted the said action or suit in the said court were spoken by the ministrant H. C. near the door of her (meaning the said Anne's) fellow witness Sweetland's (meaning the said J. S. who was a witness in the said action or suit in the said court together with the said Anne) house ; that the ministrant (meaning the said H. C.) is not an acquaintance of her's (meaning of her the said Anne), but that she (meaning the said Anne) happened once to be in his (meaning the said H. C.'s) company at a farm-house : whereas in truth and in fact it was not light enough for the said Anne at her lodging-room window, nor was she near enough to distinguish that it was the said H. C. who spoke the said defamatory words ;
and

and whereas in truth and in fact the christian and surname of the said S. M. were not, nor was either of them, at the time the defamatory words were supposed to have been spoken, mentioned; and whereas in truth and in fact the said Anne did say to the said E. B. C. that she the said Anne did not know it was the ministrant (meaning the said H. C.) who had spoken the said supposed defamatory words till told so by the said J. S. or words to that purport and effect; and whereas in truth and in fact the said conversation or defamatory words, as before set forth in the said deposition in the said first Count mentioned of the said Anne, were not spoken by the said H. C. near the door of the said J. S. or at any other place, or otherwise, or in any other manner; and whereas in truth and in fact the said Anne never was in the company of the said H. C. at a farm-house, or in any other place; and whereas in truth and in fact the said Anne, at the time she was so sworn, repeated, acknowledged, and deposed as aforesaid, had no reason or probable cause to say or depose in manner and form as the said Anne did say and depose: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said Anne, on the day and year last aforesaid, at the parish aforesaid, in the city and county of the same city aforesaid, before the said James Newcombe, surrogate as aforesaid, and then and there having sufficient and competent authority to administer the said oath to the said Anne, by her own act and consent, and of her own most wicked, malicious, and corrupt mind and disposition, in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity.

Drawn by Mr. GRAHAM.

MIDDLESEX. The jurors for our sovereign lord the king upon their oath present, that heretofore, that is to say, at the sittings of *nisi prius* after Hilary term, holden in the court of our said lord the now king of his exchequer, at Westminster, in the said county of Middlesex, to wit, in the parish of Saint Margaret's, Westminster, in the said county of Middlesex, on the sixteenth day of February, in the twenty-seventh year of the reign of our said lord the now king, before Sir James Eyre, knight, lord chief baron of our said lord the king of his court of exchequer at Westminster aforesaid, a certain issue in due manner joined upon a certain information before that time exhibited in his said majesty's court of exchequer at Westminster aforesaid, by Richard Pepper Arden, esquire, his said majesty's attorney-general, who prosecuted for his said majesty in that behalf, against Edward Ward, Nicholas Harvey, and Philip Clarke the younger, touching and concerning the seizure and arrest, to the use of his said majesty as forfeited, of a certain ship or vessel, with her guns, furniture, ammunition, tackle, and apparel, several parcels of tea, several parcels of brandy, several parcels of spirituous liquors called Geneva,
of

of the goods, chattels, and merchandize of certain persons at the time of exhibiting of the said information unknown to the said attorney general, came on to be tried, and was tried in due form of law, by a jury of the said county, duly sworn between our said lord the king and the said John Ward, &c. in that behalf; and upon the said trial of the said information, William Dobbin, late of Dover, in the county of Kent, mariner, an officer of the customs of our present sovereign lord the king, did then and there appear as a witness for and on behalf of our present sovereign lord the king; and he the said William Dobbin then and there, before the said Sir James Eyre, knight, lord chief baron as aforesaid, he the said Sir James Eyre, knight, lord chief baron as aforesaid, having full power and competent authority to administer an oath in that behalf, did take his corporal oath, and was then and there duly sworn upon the Holy Evangelists of God, that the evidence which he the said William Dobbin should give to the court and jury sworn touching and concerning the premises in the said issue so as aforesaid joined between our said lord the king and the said Edmund Ward, &c. should be the truth, the whole truth, and nothing but the truth, he the said Sir James Eyre, lord chief baron as aforesaid, then and there having competent power and authority to administer the said oath to the said William Dobbin in that behalf: And the jurors aforesaid, now here sworn, upon their oath aforesaid, do further present, that upon the trial of the said information it became a necessary question, Whether a little before and at the time of the discovery, seizure, and arrest of the said ship or vessel, and the said goods, chattels, and merchandizes, the said ship or vessel was found within four leagues, or twelve miles of the coast of this kingdom, or not? and also, Whether he the said William Dobbin was at any time during that time within four leagues or twelve miles of the coast of this kingdom, or not? and after the seizure and arrest, At what rate the said ship or vessel sailed towards the coast of this kingdom? and, At what time the said ship or vessel arrived at the coast of this kingdom? and, At what time the men in the said ship or vessel got on shore? And thereupon the said William Dobbin being so produced and sworn as aforesaid, devising, and wickedly and maliciously intending to injure, prejudice, and damnify the said Edward Ward, &c. and to subject them unto sundry costs, charges, and expences, and to cause and procure a verdict to pass for our said sovereign lord the king on the trial of the said information, and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, then and there, before the said Sir James Eyre, knight, lord chief baron as aforesaid, did falsely, wilfully, wickedly, and corruptly, and by his own proper act and consent, say, depose, swear, and give in evidence, among other things, to the jurors of the said jury so sworn between our said lord the king and the said Edward Ward, &c. that from the rate of his (meaning the said W. D.'s) sailing and depth of water he concluded he was seven miles and a half or eight miles from England (meaning seven miles and a half or eight miles from the

the English coast) before and at the time of the seizure and arrest ; and that he (meaning himself the said W. D.) could not be more than eight miles the whole day (meaning eight miles from the English coast on the day of the seizure and arrest), and not more than eight miles from the English land when he (again meaning the said W. D.) took the said ship or vessel ; and that he (again meaning himself the said W. D.) made sail for Ness Coast (meaning a part of the English coast called the Ness Point, otherwise called Dungeness Point), and about eight o'clock (meaning eight o'clock in the evening of the day of the arrest and seizure) got under the Point (meaning a certain point of the English coast called the Ness Point, otherwise Dungeness Point) about a mile off (meaning at the distance of a mile from the said part of the English coast called, &c.), and that it might be nine of the clock (meaning nine of the clock of the evening of the same day) before the men (meaning the men in the said ship or vessel) got on shore ; and that the said ship or vessel could not sail more than two or three knots an hour (thereby meaning that the said ship or vessel did not sail more than two or three knots an hour after the seizure and arrest aforesaid towards the English coast) : whereas in truth and in fact the said ship or vessel, at the time of the seizure thereof, and before and afterwards, was more than seven miles and a half or eight miles from the English coast, to wit, twelve miles and more from England ; and whereas in truth and in fact the said W. D. was more than eight miles from the English coast, to wit, twelve miles and more from the English coast, on the day of the seizure and arrest aforesaid ; and whereas in truth and in fact the said W. D. was more than eight miles from the English coast when he took the said ship, to wit, twelve miles and more ; and whereas in truth and in fact the said ship or vessel did not about eight o'clock, but at a much later hour than eight o'clock, to wit, at half past nine o'clock and more, get under the said point, and that it was not nine o'clock, but a much later hour, to wit, half past ten o'clock, before the men got on shore ; and whereas in truth and in fact the said ship or vessel, in sailing towards the English coast as aforesaid, sailed at a much greater rate than two or three knots an hour, to wit, at the rate of four knots an hour or more, to wit, at the parish of Saint Margaret's, Westminster, aforesaid, in the said county of Middlesex ; which said several premises aforesaid he the said W. D. at the time of the taking the oath aforesaid, there well knew ; and so the jurors now here sworn, upon their aforesaid oath, do say, that the said W. D. at and upon the trial of the said information, on the said sixteenth day of February, in the said year of the reign aforesaid, at the parish of Saint Margaret's, Westminster, aforesaid, in the said county, before the said Sir James Eyre, knight, lord chief baron as aforesaid, he the said Sir James Eyre, knight, lord chief baron as aforesaid, having full and sufficient power and authority to administer an oath to the said W. D. in that behalf, of his own proper act and consent, and of his own most wicked and corrupt mind, in manner and form aforesaid, did falsely, wickedly,

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and corruptly, upon his oath aforesaid, commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity, &c. (Second Count same as first, except that the information was between the king and John Rubee, concerning the seizure of several parcels of tea, several parcels of brandy, and several parcels of spirituous liquors called geneva, of the goods, chattels, and merchandizes of certain persons unknown to the said attorney-general, on board a certain ship or vessel, &c. &c.

THOMAS PLUMER.

Indictment for perjury in an affidavit of the service of an ejectment, sworn before a commissioner in the country.

BRECKNOCKSHIRE, to wit. The jurors for our sovereign lord the now king, upon their oath present, that on the sixteenth of March, in the twenty-seventh year of the reign of our said lord the king, and continually from thenceforth until and at the times hereinafter mentioned, one James Price was tenant in possession of and in divers, to wit, two messuages, two barns, ten acres of land, ten acres of meadow, and ten acres of pasture, with the appurtenances, situate, lying, and being in the parish of _____, in the county of Radnor, to wit, at _____ in the said county of Brecon: And the jurors aforesaid, upon their oath aforesaid, further present that Evan Jones, late of the parish of _____ in the said county of Radnor, yeoman, wickedly contriving, devising, and intending to pervert the due course of law, and to cause the said James Price, to be turned out of possession of the aforesaid premises, with the appurtenances, whereof he was such tenant in possession as aforesaid, upon a judgment in an action of trespass and ejectment against the casual ejector without the said James Price being served with a copy of a declaration in ejectment, and notice thereunder written, to appear and defend that trespass and ejectment, and without his having an opportunity of defending the same, and to put him the said James Price, to great trouble, expence, and detriment, afterwards and whilst the said James Price remained and continued tenant in possession of the aforesaid premises, with the appurtenances, to wit, on the seventeenth day of March, in the twenty-seventh year of the reign aforesaid, at _____ aforesaid, in a certain action of trespass and ejectment of farm, wherein Evan Jones, on the demise of Jacob Stevens and Eleanor his wife, was the plaintiff, and one John Doe was the defendant, before then commenced, and then depending in the court of great session for the county of Radnor, for the recovery of the possession of the aforesaid premises, then in the possession of the aforesaid James Price, and whereof he was tenant in possession as aforesaid, and in which said action or suit of trespass and ejectment a certain declaration in trespass and ejectment had been prepared, with a notice thereunder written, signed by the said John Doe as the casual ejector, and directed to the said James Price as tenant, in possession, and annexed to a certain affidavit hereinafter mentioned,

mentioned, he the said Evan Jones the defendant, in his own proper person, came before William Jones, gentleman, then being one of the commissioners duly authorized and impowered to take affidavits in the said court of great sessions for the said county of Radnor, according to the form of the statute in such case lately made and provided, and the said Evan Jones the defendant did then and there take his corporal oath, and was in due manner sworn upon the holy Gospel of God before the said William Jones, he the said William Jones then and there having a lawful and competent authority to administer an oath to the said E. J. the defendant in that behalf: And the jurors aforesaid, upon their oath aforesaid, further present, that the said E. J. the defendant being sworn as aforesaid, and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and entirely disregarding the laws and statutes of this realm, and the pains and penalties thereby provided against wilful and corrupt perjury, then and there, to wit, on the said seventeenth day of March, in the said twenty-seventh year, &c. at, &c. falsely, wickedly, wilfully, voluntarily, maliciously, and corruptly, did say, depose, swear, and make affidavit in writing, amongst other things, to the effect and in substance as followeth, that is to say, that he, this deponent (meaning the said E. J. the defendant), did, on the sixteenth day of March instant (meaning the twenty-sixth day of March, in the twenty-seventh year of, &c.) personally serve Sarah the wife of the said James Price (meaning the said James Price), tenant in possession of the premises in question (meaning the said premises of which the said James Price was tenant in possession as aforesaid, and for which the said action of trespass and ejectment had been so brought as aforesaid), and in the annexed declaration in ejectment (meaning the said declaration of ejectment in the aforesaid action or suit, and annexed to the aforesaid affidavit) mentioned, with a true copy of the declaration (meaning the said declaration of ejectment) annexed (meaning annexed to the aforesaid affidavit); underneath which said copy (meaning the said copy of the said declaration in ejectment so pretended to have been served on the said wife of the said James Price) was the like notice written as is under the declaration (meaning the said declaration of ejectment) annexed (meaning annexed to the aforesaid declaration), and directed to the said James Price (meaning the said J. P. and meaning the aforesaid notice so underwritten as aforesaid): and this deponent (meaning the said Evan Jones the defendant) further saith, that he again (meaning the said E. J. the defendant) at the time of such service (meaning the time when he the said E. J. the defendant pretended to have served the said copy of the said declaration of ejectment, and the notice to the same underwritten, on the said Sarah the said wife of the said James Price as aforesaid) read the said notice (meaning the said notice to the said declaration of ejectment subscribed and underwritten), and explained the purport and meaning thereof (meaning of the said notice) unto the said James Price's wife (meaning the said Sarah the wife of the said James Price)

Price) on the premises (meaning the said premises in the said declaration of ejectment mentioned, and whereof the said James Price was such tenant in possession as aforesaid), as by the affidavit of the said E. J. the defendant in writing and remaining affixed in the said court of great sessions, for the said county of Radnor, more fully and at large appears; whereas in truth and in fact he the said E. J. the defendant did not on the said sixteenth day of March, in the twenty-seventh year, &c. or on any other day or at any other time personally, or in any other manner serve the said Sarah the wife of the said James Price, with a true copy of the said declaration of ejectment, and the said notice thereunto subscribed or annexed, or any other declaration of ejectment with or without a notice thereunto subscribed; and whereas in truth and in fact he the said E. J. the defendant did not at the time of such pretended service, or at any other time, read the said notice, or explain the purport or meaning thereof unto the said Sarah the wife of the said James Price, on the said premises in the said declaration of ejectment mentioned, or at any other place or in any other manner; and so the jurors aforesaid, upon their oath aforesaid, say, that the said E. J. the defendant, on the seventeenth day of March, in the twenty-seventh year of the reign aforesaid, at aforesaid, in the said county of Brecon, falsely, wickedly, wilfully, voluntarily, maliciously, and corruptly upon his oath aforesaid, and by his own act and consent in manner aforesaid, did commit wilful and corrupt perjury, to the great damage of the said James Price, to the great displeasure of Almighty God, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Drawn by Mr. GRAHAM.

Indictment for perjury before a justice of the peace, in swearing that the prosecutor had assaulted defendant and taken from him a bank note and money.

GLOUCESTERSHIRE, *ss.* The jurors for our said lord the now king upon their oath present, that John Waite, late of the parish of Tetbury, in the said county of Gloucester, apothecary, wickedly and maliciously devising and intending unjustly to vex and aggrieve one William Harvey, and to subject him to the punishments, pains, and penalties by the laws of this realm provided for persons guilty of felony, theft, and larceny, and breach of the peace, on the thirtieth of September 1788, and in the twenty-eighth year of the reign of our sovereign lord George the Third, by the grace of God king of Great Britain, &c. at the parish of , in the said county of Gloucester, came in his own proper person before George Hayward, clerk, then and yet one of the justices of our said lord the now king, assigned to keep the peace of our said lord the king, in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed within the said county, and then and there was sworn, and took his corporal oath upon the holy Gospel of God, before the said George Hayward, the justice aforesaid (he the said George Hayward, then and there having competent authority to administer the said oath to the said J. W. in that behalf), and that the said J. W. being so sworn as aforesaid, and not having the fear of God before his eyes, but being moved and seduced by the instigation

gation of the devil, then and there before the said George Hayward (he having competent authority to administer the said oath as aforesaid), upon his oath aforesaid, upon a certain information, intitled, "Gloucestershire, to wit. The information of Mr. J. Waite, of the parish of Tetbury, in the said county, surgeon and apothecary (meaning the said J. W.), taken this thirtieth day of September 1788, before me (meaning the said G. H.) one of his majesty's justices of the peace in and for the said county," falsely and maliciously, wilfully and corruptly did say, depose, swear, and give information in writing, to the purport and effect following, that is to say, this informant (meaning the said J. W.) upon his (meaning the said J. W.'s) oath saith, that on Monday the eighth instant (meaning the then month of September), between four and five of the clock in the afternoon, he (meaning the said J. W.) went to the dwelling-house of Mr. Thomas Meggat, called or known by the name of the Prince and Princess, in Tetbury aforesaid (meaning Tetbury, in the said county of Gloucester), and went into the room of the said house (meaning in the said house of the said T. M.), where an auction was then held, and that in about four or five minutes after he (meaning the said J. W.) entered the said room, in the aforesaid house (meaning the said room in the said house of the said T. M. wherein the said auction was so then held as aforesaid), Mr. William Harvey, of Tetbury aforesaid, attorney (meaning the said William Harvey), came behind him this informant (meaning the said J. W.), and took him again (meaning the said J. W.) in his (meaning the said W. H.'s) arms, and dragged him (again meaning the said J. W.) to the outside of a door to the aforesaid room, (meaning the said room in the said house of the said T. M.) that leads into a yard belonging to the aforesaid house (meaning the said house of the said T. M.), and that when he this informant (meaning the said J. W.) was upon his (meaning the said J. W.'s) knees just without the door aforesaid and room aforesaid (meaning the said door and the said room, in the said house of the said T. M.), struggling with him the said W. H. this informant (meaning the said J. W.) further upon his (meaning the said J. W.'s) oath saith that the said W. H. put his (meaning the said W. H.'s) right hand into the breeches pocket of him this informant (meaning the said J. W.), and took thereout (meaning out of the said breeches pocket of the said J. W.) a Bath bank-note of five guineas value, three guineas in gold, two lancets and a case the said lancets were in, and some silver: Whereas in truth and in fact, he the said W. H. did not come behind him the said J. W. and did not take him the said J. W. in his arms and drag him to the outside of the door aforesaid, or in any other manner take or drag him the said J. W. and whereas in truth and in fact on Monday the eighth day of September 1788, or at any time whatsoever, he the said J. W. was not upon his knees, just without the door aforesaid and room aforesaid, struggling with him the said W. H.: And whereas in truth and in fact on Monday the eighth day

of September 1788, or at any other time whatsoever, the said W. H. did not put his right hand or his other hand into the breeches pocket, or any other pocket of the said J. W. and did not take thereout a Bath bank note, or any other bank note, or any other note of any other value, or three guineas in gold, or two lancets, or a case in which the said lancets were in, or some silver or any or either of them, or any part thereof; and whereas in truth and in fact the said W. H. did not take any property whatsoever of the said J. W. from him in manner aforesaid, or in any other manner, that is to say, at the parish of aforesaid, in the said county of Gloucester: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said J. W. on the thirtieth day of September, in the twenty-eighth year, &c. at the parish of aforesaid, in the said county, before the said George Hayward, the justice aforesaid, he the said George Hayward, the justice, having competent authority to administer the same oath to the said J. W. in that behalf falsely, maliciously, wilfully, wickedly, and corruptly in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Drawn by Mr. GRAHAM.

I have great doubts whether the indictment for perjury can be supported, because in order to constitute perjury, it is necessary that the oath should be taken before a person having competent jurisdiction over the subject matter. The justice had clearly a jurisdiction in the present case as far as relates to the assault, but upon that ground, I apprehend, Mr. Harvey does not want to proceed, nor indeed does there appear sufficient grounds for perjury upon that part of the infor-

mation. With respect to the charge of taking the defendant's property, if the defendant had said in the information, that Mr. Harvey had *feloniously* taken the property, the justice had jurisdiction of the offence, and the defendant might have been indicted for perjury for it; but the charge is, that Mr. Harvey took the property of the defendant, which only amounts to a trespass, over which the justice had no jurisdiction.

Indictment for perjury in an affidavit sworn before a commissioner, to take affidavits in common pleas to increase the costs after trial, swearing that A. B &c were material witnesses.

CUMBERLAND, to wit. The jurors for our present sovereign lord the king, upon their oath present, that John Milburn otherwise Milborn, late of Brecknockfield, in the county of Cumberland, gentleman, on the thirty-first day of October, in the twenty-third year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c. and in the year of Our Lord 1749, at Penrith, in the said county of Cumberland, in his own proper person came before Thomas Whelpdale, gentleman, then and there being a commissioner, duly appointed to take affidavits in the county of Cumberland aforesaid, in or concerning any cause depending in his majesty's court of common pleas, at Westminster, and the said J. Milburn otherwise Milborn did then and there produce and exhibit before the said T. W. a certain paper writing, purporting in itself to be an affidavit of him the said

J. M.

J. M. and framed and intended to be made and sworn by him the said J. M. in the said court of common pleas, in a certain cause then and there depending in the said court of common pleas, between George Lewis, on the demise of the honourable Catharine Weddington, widow, commonly called Lady Weddington, and the honourable Mary Graham, spinster, plaintiffs, and Arthur Underwood and four others, defendants, which said paper-writing was and is intitled as follows, to wit, common pleas, Lewis on the demise of Lady Weddington and another (meaning the honourable Catharine Weddington, widow, commonly called Lady Weddington, and the said honourable Mary Graham, spinster), plaintiffs, Arthur Underwood and others (meaning four), defendants, and the said J. M. did then and there before the said T. Whelpdale, in due manner take his corporal oath, upon the holy Gospel of God, as to the truth of the said paper-writing, purporting in itself to be an affidavit of him the said J. M. as aforesaid, and the matters therein mentioned (be the said T. Whelpdale, being then and there such commissioner as aforesaid, and then and there having sufficient power and authority to administer the said oath unto the said J. M. in that behalf), and the said J. M. &c. being of a wicked and corrupt mind, and of a most diabolical temper and disposition, and unlawfully, maliciously, and wickedly contriving, devising, designing, and intending to injure and aggrieve the said honourable C. W. widow, commonly called Lady W. and the said honourable Mary Graham, spinster, and to put the said Catherine to great expence and charge; and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and having no regard to the laws and statutes of this realm, nor fearing the pains and penalties therein contained, then and there, to wit, on the thirty-first day of October, and the said twenty-third year of, &c. and in the year of our Lord 1749 aforesaid, at Penrith aforesaid, before the said T. W. upon his said oath so taken as aforesaid, falsely, wickedly, wilfully, maliciously, and corruptly, by his own proper act and consent, and of his own most wicked, malicious, and corrupt mind and disposition, did say, depose, swear, and affirm, that the matters in the said paper-writing or affidavit contained were true; in which affidavit, to wit, in one part thereof, he the said deponent had falsely, wickedly, maliciously, wilfully, and corruptly, by his own proper act and consent, and of his own most wicked and corrupt mind and disposition, said, deposed, sworn, and affirmed in these English words following, to wit, that the said cause (meaning the said cause so depending in the said court of common pleas as aforesaid) was tried at the last assizes for the county of perjury is as-
Cumberland (meaning the assizes held in and for the said county of Cumberland last past before the making of the said affidavit); and that John Davison, Thomas Graham, William Armstrong, Robert Forrester, Robert Armstrong, John Hewitson, Christopher Elliott, James Scott, James Davison, John Graham, John Armstrong, James Edkin, James Armstrong, Robert Forrester of
Part of affidavit
which the
signed.

Habett, Archibald Forrester, William Clarke, John Ewart, Francis Graham, William Jackson, Thomas Nicholson, John Davison, and Francis Forrester, were all material witnesses for the said defendants (meaning the said Arthur Underwood, &c.) as this deponent (meaning the said J. M.) was advised and believes, and were all subpoenaed, and attended at the said trial (meaning the said trial of the said cause) as witnesses in the cause (meaning the aforesaid cause), and on no other account : and this deponent (meaning the aforesaid J. M.) saith, that all or most of the said witnesses (meaning the several persons above-named, who by the said affidavit are so mentioned to have been subpoenaed), lived upwards of fifteen miles from Carlisle aforesaid (meaning the city of Carlisle, in the county of Cumberland), which made it very difficult for them (meaning the said persons so alleged to have been so subpoenaed); and saith, that all the said witnesses (meaning the said several persons so alleged to have been so subpoenaed) were necessarily out in going to, attending at, and returning from the said last assizes held in and for the said county of Cumberland (meaning the aforesaid last assizes before the making of the said affidavit) five days, as by the affidavit, now remaining filed and upon record in the said court of common pleas, relation being thereunto had, more fully and at large appears ; when in truth and in fact the said John Davison first abovenamed in the said affidavit was not necessarily out in going to, attending at, and returning from the said last assizes five days ; and when in truth and in fact the said John Davison in the said affidavit also named was not necessarily out in going to, attending at, and returning from the said last assizes five days ; and when in truth and in fact the said Francis Forrester, named in the said affidavit, was not necessarily out in going to, attending at, and returning from the said last assizes five days ; and when in truth and in fact, &c. : And so the jurors aforesaid, upon their oath aforesaid, say, that the said J. M. &c. on the aforesaid thirty-first day of October, in the twenty-third year of the reign of our said sovereign lord the king, at Penrith aforesaid, in the said county, before the said T. W. then and there being such commissioner as aforesaid, and then and there having sufficient power and authority to administer the aforesaid oath to the said J. M. &c. in that behalf, by his own proper act and consent, falsely, wickedly, maliciously, wilfully, and corruptly, in manner and form aforesaid, committed wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, to the great damage of them the said C. W. and M. G. and against the peace of our said lord the king, his crown and dignity.

LONDON,

LONDON, *ff.* The jurors of our lord the king upon their oath present, that Samuel Dring, of Turnstile Alley, in the parish of Saint Martin, in the liberty of Westminster, broker, wickedly and maliciously devising and intending unlawfully and unjustly to aggrieve and oppress one Robert Hislop, one William Smith, one Richard James, and one James Baxter, and also to subject them, without any just cause, to divers costs and charges, and to force and oblige them, and every of them, to undergo and suffer many great and arduous troubles both of body and mind, and to ruin them, and also to cause and procure the sum of five hundred pounds to be indorsed upon a certain precept of the court of our said lord the now king called a bill of Middlesex, issuing out of the court of our said lord the now king, before the king himself; by virtue whereof they the said R. H. W. S. R. J. and J. B. might, and each and every of them might be arrested to answer in the same court at the suit of the said Samuel Dring, with an intention that the said R. H. W. S. R. J. and J. B. and each and every of them, might be compelled to find bail for the sum of five hundred pounds, according to the form of the statute in such case made and provided, on the ninth day of July, in the twenty-first year of the reign of our sovereign lord George the Third, now king of Great Britain, France, and Ireland, defender of the faith, &c. at London aforesaid, to wit, at the parish of Saint Dunstan in the West, in the ward of Farringdon Without, in London aforesaid, in his own proper person, came before B. Braithwaite, gentleman, then and still being deputy to William Marshall, esquire, then and yet signer of the said precepts of our said lord the king called bills of Middlesex, issued out of the court of our lord the now king before the king himself, and did then and there procure the said William Marshall, esquire, by virtue of his office, and according to the custom of the said court, to issue a certain precept called a bill of Middlesex out of the said court in that behalf, and the said Samuel Dring did then and there take his corporal oath upon the holy Gospel of God, before the said B. Braithwaite, then and there having sufficient power and authority of administering the said oath to the said Samuel Dring in that behalf, by virtue of a certain act of parliament made in the parliament holden by several prorogations at Westminster, on the twentieth day of January, in the twelfth year of the reign of the late king George the First, of Great Britain, France, and Ireland, entitled, "An Act to prevent frivolous and vexatious " Arrests," and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and then and there, before the said B. B. the deputy aforesaid, upon his oath aforesaid, falsely, wickedly, wilfully, and corruptly did say, depose, swear, and make affidavit in writing, that they the said R. H. W. S. R. J. and J. B. were then justly and truly indebted to him the said Samuel Dring in the sum of five hundred pounds, for taking and carrying away of the goods and chattels of him the said Samuel Dring; which said affidavit was entitled as followeth, "King's " Bench, Between Samuel Dring plaintiff, and Robert Hislop,

" William

Averment.

" William Smith, Richard James, and James Baxter, defendants," as by the said affidavit filed in the said court may more fully appear; whereas in truth and in fact, at the time when the said Samuel Dring did take his said oath, and make his said affidavit in form aforesaid, they the said R. H. W. S. R. J. and J. B. were not, nor was any or either of them, justly indebted to the said Samuel Dring in the sum of five hundred pounds, for taking and carrying away of the goods and chattels of the said Samuel Dring, which he the said Samuel Dring, at the time of taking such oath, and making such affidavit, well knew, to wit, at London aforesaid, in the said parish and ward; and whereas in truth and in fact, at the time when the said Samuel Dring did take his said oath, and make his said affidavit in form aforesaid, they the said R. H. W. S. R. J. and J. B. were not, nor was any or either of them, justly and truly indebted to the said Samuel Dring in any sum of money whatsoever, for the taking and carrying away of the goods and chattels of the said Samuel Dring, which he the said Samuel Dring at the time of taking such oath, and making such affidavit, well knew, to wit, at London aforesaid, in the same parish and ward; and whereas in truth and in fact, at the time when the said Samuel Dring did take his said oath, and make his said affidavit in form aforesaid, they the said R. H. W. S. R. J. and J. B. were not, nor was any or either of them, justly and truly indebted to the said Samuel Dring in the sum of five hundred pounds, or in any other sum of money whatsoever, upon any account whatsoever, which he the said Samuel Dring at the time of taking such oath, and making such affidavit, well knew, to wit, at London aforesaid, in the said parish and ward: And so the said jurors aforesaid, upon their oath aforesaid, do say, that the said Samuel Dring, on the said ninth day of July, in the said twenty-first year of the reign of our said sovereign lord the now king, at London aforesaid, in the parish and ward aforesaid, before the said B. B. so as aforesaid having sufficient power and authority to administer the said oath to the said Samuel Dring in that behalf, falsely, wickedly, maliciously, and corruptly, in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the great damage of the said R. H. W. S. R. J. and J. B. to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity, &c.

Conclusion.

For subornation of perjury on the trial of highway robbery, where the prisoner set up an alibi.

THE jurors, &c. that heretofore, to wit, at the sessions of oyer and terminer of our lord the king, holden at K. in the county of S. on the day of before Sir R. E. knight, one of the justices of his majesty's court of king's bench, and Sir W. C. knight, then one of, &c. then justices of our said lord the king, assigned by letters patent of our said lord the king, under the great seal of Great Britain, to them and others made, to enquire more fully the truth by the oath of good and lawful men of the county of S. aforesaid, and by other ways, means, and methods by which they should and

I

might

might be better known (as well within the liberties as without), by whom the truth of the matter might be better known and enquired into, of whatever treasons, misprisions of treasons, insurrections, rebellions, counterfeittings, clippings, washings, false coinings, and other falsifying of the monies of Great Britain, and other kingdoms and dominions whatsoever, and of all murders, felonies, manslaughters, , burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, assemblies, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempt, falsities, negligence, concealments, maintenances, oppressions, champerties, deceit, and all other evil doings, offences, and injuries whatsoever; and also the accessaries of them within the county aforesaid, or any of them, as well within liberties as without, by whomsoever and in whatsoever manner done, committed, or perpetrated, and by what person or persons, to what person or persons, when, how, and after what manner, and of all other articles and circumstances concerning the premises, and every of them, or any one or more of them, in any manner whatsoever; and the said transactions, and other the premises for that time, to hear and determine according to the laws and customs of England, by the oath of H. V. esquire, &c. (the names of the grand jury) good and lawful men of the county aforesaid, then and there sworn and charged to enquire for our said lord the king, for the body of the county aforesaid, it was presented in manner and form following, to wit, The jurors, &c. Indictment for for that J. G. late of , labourer, on the day of , with an highway robbery. force and arms, at the parish aforesaid, in the king's common highway, therein and upon one W. H. in the peace of God and our said lord the king, in the highway then and there being, then and there feloniously did make an assault, and him the said W. H. in bodily fear and danger of his life in the highway aforesaid, then and there feloniously did put, and take one silver watch of the value of four pounds, one silver seal of the value of twopence, and twelve pounds in money, of the goods, chattels, and monies of the said W. H. from the person of the said W. H. and against the will of the said W. H. in the highway aforesaid, then and there feloniously did take and carry away, against the peace of, &c. Wherefore the sheriff of the county aforesaid was commanded not to omit for any liberty in his bailiwick, but to take the said J. G. Precept to the to answer the premises; which said indictment the above-named sheriff. justices of our said lord the king, afterwards, to wit, at the delivery of the goal of our said lord the king holden for the said county of , on the said, &c. before the aforesaid Sir R. E. knight; Sir W. C. knight; and others their associates, then justices of our said lord the king, assigned to deliver his said goal of the prisoners therein (a); and afterwards, at the same delivery of the said gaol of our said lord the king; held for the county aforesaid, at aforesaid, in the said county, on the said , before the said justices of our said lord

(a) Something omitted in the draft.

the king, and other their associates aforesaid, came the said J. G. in the custody of T. C. esquire, sheriff of the county aforesaid, in whose custody in the said goal for the cause aforesaid he had been before committed, being brought to the bar here in his proper person who was committed to the said sheriff; and forthwith concerning the premises in the said indictment above specified and charged on him as above, being asked in what manner he would be tried, the said J. G. said he was not guilty thereof, and concerning which, for good and ill, he did put himself upon his country: upon which said issue such proceedings were had, that afterwards, to wit, on the said delivery of the said goal of our said lord the king, so held as aforesaid, a certain trial was held by a jury of the said county, taken between our said lord the king and the said J. G. as by the record thereof doth more fully appear; upon which said trial evidence was given on behalf of our said lord the king, that the felony and robbery in the said indictment above specified was committed by the said J. G. about half an hour after six in the afternoon, on the fourth day of June, in the eighth year, &c. And the jurors, &c. now here sworn and charged to enquire for our said lord the king, for the body of the said county of _____, upon their oath aforesaid, do further present, that G. C. late of _____, in the said county of _____, gentleman, being a person of wicked and evil mind and disposition, and devising and intending, as much as in him lay, to prevent the due course of law and justice, and to cause and procure the said J. G. to be entirely acquitted of the said felony and robbery charged on him, and by the said indictment to escape unpunished for the same, did before the said trial, to wit, on the _____ day of _____, in the said ninth year, &c. at _____, in the county of _____, unlawfully and wickedly solicit, incite, and endeavour to persuade one J. W. to appear as a witness on the said trial so as aforesaid had for and on the behalf of the said J. G. and on the said trial falsely to depose, say, and give in evidence, upon his oath to the jury of the county aforesaid, that the said J. W. carried a suit of clothes on the fourth day of June last (meaning the fourth day of June, in the eighth year, &c. the day on which the said felony and robbery in the said indictment above specified were proved as aforesaid to have been committed) to the said J. G. at his lodgings (meaning the lodgings of him the said J. G.) at the Queen's-head, in the Ship-yard (meaning Ship-yard, in the county last aforesaid), between four and five (meaning, &c.) in the afternoon of the same day, and that he the said J. W. staid there an hour, and that the said J. G. was then sick, and did not buy his clothes; whereas in truth and in fact, the said J. W. did not go to the said J. G. on the fourth day of June, in the year last above-mentioned, at any time in the same day, at the Queen's-head in Ship-yard aforesaid, or at any other place whatsoever, on any account whatsoever, and which, in truth and in fact, at the time when the said G. C. did so solicit, incite, and endeavour to persuade the said J. W. to give such evidence upon his oath as aforesaid, he the said G. C. well
knew

knew that he the said J. W. would not give his evidence according to the truth, and that the same evidence, so to be given, was false, feigned, and altogether fictitious; to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

DERBYSHIRE, *ff.* The jurors of our lord the king, upon their oath present, that in the term of Easter, in the fifteenth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. to wit, on Saturday next, after the morrow of the Ascension of our Lord, a rule was made in and by the court of our said lord the king, before the king himself, the said court then being held at Westminster, in the county of Middlesex, for one R. T. to shew cause why an information, in the nature of a *quo warranto* should not be exhibited against him, to shew by what authority he claimed to be a burghers or freeman of the town and borough of Derby: And the jurors aforesaid, upon their oath aforesaid, further present, that S. C. late of the town and borough of Derby, in the county of Derby, esquire, wilfully devising, contriving, and intending to prevent the due course of law and justice, and to cause and procure the said rule so made by the said court to be discharged, against all truth and justice, afterwards, to wit, on the eighth day of June, in the fifteenth year, &c. at Derby, in the county of Derby aforesaid, in his proper person, came before J. J. gentleman, then being one of the commissioners of our said lord the king, duly authorized and empowered to take affidavits in the said court of our said lord the king, before the king himself; and the said S. C. did then and there take his corporal oath, and was in due manner sworn upon the holy Gospel of God, before the said J. J. he the said J. J. then and there having a lawful and competent authority to administer an oath to the said S. C. in that behalf: And the jurors aforesaid, upon their oath aforesaid, further present, that the said S. C. being so sworn as aforesaid, and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and entirely disregarding the laws and statutes of this realm, and the pains and penalties thereby provided against wilful and corrupt perjury; then and there, to wit, on the said eighth day of June, in the fifteenth year aforesaid, at Derby aforesaid, in the county aforesaid, before the said J. J. falsely and maliciously, wickedly, wilfully, and corruptly did say, depose, swear, and make affidavit in writing, amongst other things, to the effect and substance as followeth, that is to say, that he the said S. C. as as well from his own observation, experience, inspection, and examination of the common-hall books of the said borough of Derby the oldest of which (meaning the eldest of which common hall books then extant) commenced in the year 1678, as from the information of several old persons who were of the common court of the said borough, and others who were then dead, it had been the immemorial custom, from time to time, for the common-hall of the said borough, frequently to confer the honour of freedom,

or

or burgesfhip, upon fuch perfons as they (meaning faid common-hall) thought proper, and not refiant, as well as refident therein (meaning the faid borough of Derby), paying their fees of office, meaning fees of office of the faid perfons on whom the faid honour of freedom or burgesfhip was conferred), without receiving any confideration for the fame (meaning for the faid honour of freedom, or burgesfhip, conferred on fuch burgefles), and that the perfons on whom the honour of freedom or burgesfhip had been fo conferred, had no other title to freedom or burgesfhip but the voluntary gift of the common-hall (meaning the faid common-hall of the faid borough of Derby), and yet had exercifed the office of burgefes (meaning the office of burgefes of the faid borough), and had enjoyed every liberty, franchise, and privilege of the faid borough, from time to time, without any interruption, and particularly had voted for members to ferve in parliament for the faid borough, and that it appeared in the faid common-hall books, that Hugh B. of the borough of Derby, in the faid county, efquire, who (meaning the faid H. B.) had made an affidavit on the prefent occafion, (meaning an occafion of the faid matter then depending in the faid court of our faid lord the king, before the king himfelf), was at a common-hall for the faid borough, on the fecond day of September 1714, by the name of Mr. H. B. the younger, ordered to be admitted a burgefes of the faid borough, along with divers others noted in the faid book (meaning the faid common-hall book), to be honorary members, burgefles; and that at a common-hall held for the faid borough the eleventh day of the faid month of September 1714, he (meaning the faid H. B.) with divers others, was accordingly admitted and sworn a burgefes for the fame borough, and that in 1717, he (meaning the faid H. B.) was elected and sworn a capital burgefes; and that in 1723, he (meaning the faid H. B.) was elected town clerk of the faid borough, which place (meaning town clerk of the faid borough) he (meaning the faid H. B.) had for and about feventeen years, and that it appeared in the faid books (meaning the faid common-hall books), that while he (meaning the faid H. B.) was capital burgefes, and being (meaning the faid H. B.) for fome part of that time town clerk, divers perfons not refident in the fame borough, nor having or claiming any title to that freedom other than the voluntary gift of the common-hall in common council aforefaid, had, with his concurrence (meaning the concurrence of the faid H. B.) at common-hall the honour of the freedom of the faid borough conferred upon and given to them (meaning the faid perfons), and were accordingly admitted burgefles, and sworn burgefles of the faid borough; and that whilft he was town clerk (meaning whilft the faid H. B. was town clerk), he himfelf (meaning the faid H. B.) entered, or caufed to be entered in the faid books (meaning the common-hall books) the names of divers other perfons who alfo had the honour of the freedom of the faid borough conferred upon and given to them; and that the faid H. B. and many other perfons enjoyed the freedom of the faid borough, by gift from the common-hall as aforefaid, polled at the laft election (meaning at an election for the faid town and borough of

of Derby), at the said town and borough, which began the twenty-seventh day of January 1775, for a member to serve in parliament for the said borough or town, some (meaning the said H. B. and some of the said other persons so enjoying the freedom of the said borough as aforesaid) for one candidate, and some (meaning some aforesaid other persons so enjoying the freedom of the said borough as aforesaid) for another (meaning another candidate); and that no objection was at the time of polling (meaning at the time of polling at the said election for a member to serve in parliament for the said town and borough of Derby) made thereto (meaning to the polling of the said H. B. and other persons so enjoying the freedom of the said borough as aforesaid); as the said S. C. had heard and did believe, as by the said S. C.'s affidavit in writing, and remaining filed in the said court of our said lord the king, before the king himself, at Westminster aforesaid, more fully appears; whereas in truth and in fact, the said S. C. at the time of making the said affidavit well knew that at the time of polling at the said election for a member to serve in parliament for the said town and borough, an objection was made to the polling of one Christian Heath, of the said town and borough, esquire, who then enjoyed the freedom of the said borough by gift from the said common-hall; and whereas in truth and in fact, divers persons in the presence and hearing of the said S. C. did, at the time of polling at the said election, make objections to the polling of the said C. H. and the said other persons so enjoying the freedom of the said borough by gift from the said common-hall; and whereas in truth and in fact, William Beard and John Balgery, on behalf of D. P. C. esquire, then candidate at the said election, did, in the presence and hearing of the said S. C. make divers objections at the time of polling at the said election, to the polling of the said C. H. and of the said other persons so enjoying the freedom of the said borough by gift from the said common hall as aforesaid, and the said S. C. at the time of making the said affidavit well knew the same; and whereas in truth and in fact the said H. B. on the behalf of D. P. C. esquire, then a candidate as aforesaid at the said election, did, in the presence and hearing of the said S. C. make divers objections at the time of polling at the said election, to the polling of the said C. H., and then and there declared that he meant to object in like manner to every person so enjoying the freedom of the said borough by gift from the common-hall as aforesaid, unless the said C. H. then proceeding and acting as mayor of the said borough, and as the then returning officer of a burghers to serve in parliament for the said borough, would take the objections then made as aforesaid to extend and apply to all the said other persons so enjoying the freedom of the said borough by gift from the common-hall as aforesaid; and so the said S. C. at the time of making his said affidavit, well knew the same: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said S. C. on the said eighth day of June, in the fifteenth year aforesaid, at Derby aforesaid, in the said county, on his oath aforesaid, before the said J. J. then and there having lawful and competent authority to administer the said oath to the said S. C. as aforesaid, falsely, wickedly,

wickedly, maliciously, wilfully, and corruptly, in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the evil example of all others in the like case offending, and against the peace of our lord the king, his crown and dignity.

N. B. Defendant was acquitted, and afterwards brought an action against the prosecutor for a malicious prosecution, and had a verdict for 500*l.* Trinity 1777, before Lord Mansfield, at Westminster.

Indictment for perjury, before arbitrators, by a quaker, on his affirmation.

LONDON, to wit.. The jurors for our sovereign lord the king upon their oath present, that before the day of taking this inquisition, divers disputes and differences had arisen, and were depending between A. B. and C. D. assignees of the estates and effects of R. E. late of, &c. a bankrupt, according to the force, form, and effect of the several statutes concerning bankrupts of the one part; and E. F. and G. H. assignees of the estate and effects of W. S. a bankrupt, according to the form and effect of the several statutes aforesaid of the other part: and thereupon for putting an end to the said disputes and differences, as well the said A. B. and C. D. as the said E. F. and G. H. assignees as aforesaid heretofore, to wit, on, &c. in the year of the reign of our sovereign lord George the Third, now king of Great Britain, respectively submitted themselves to the award, order, arbitrament, final end, and determination of A. C. and T. C. arbitrators indifferently named, elected, and chosen, as well on the part and behalf of the said A. B. and C. D. as of the said E. F. and G. H. assignees as aforesaid, to arbitrate, award, order, adjudge, and determine of and concerning the said disputes and differences, so as the said award should be made in writing, ready to be delivered to the parties in difference, or such of them as should require the same, on or before the day of then next ensuing; and it was then and there agreed by and between the said parties in difference, that the said R. E. (being one of the people called quakers) should be examined by and before the said arbitrators, touching and concerning the said matters in difference, upon his solemn affirmation, to be taken before some one of his majesty's justices of the court of king's bench, or common pleas, or some one of the barons of his majesty's court of exchequer, according to the form of the statute in such case made and provided: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, on, &c. in the year aforesaid, at, &c. the said R. E. in pursuance of the said agreement, came in his proper person (then and still being one of the people called quakers), and was then and there duly affirmed, according to the form of the statute in such case made and provided; and upon such affirmation, he the said R. E. (so being one of the people called quakers as aforesaid) did then and there solemnly affirm and declare, that the evidence he should give to the said arbitrators touching and concerning the said matters in difference should be the truth, the whole truth, and nothing but the truth (the said then and there having full power and authority to administer the said affirmation to the said R. E. in that behalf): And the jurors aforesaid, upon their oath aforesaid, do further

further present, that afterwards, to wit, on, &c. at, &c. the said arbitrators met, and took upon themselves the burthen of the said arbitration; and that upon the said arbitration certain questions then and there arose, and it became and was then and there material and necessary for the said arbitrators to know and ascertain whether the said R. E. had actually paid to the said W. S. for or on account of a certain ship or vessel called the Amazon, tradesmen's bills to the amount of eight thousand four hundred pounds and upwards; and in particular, whether he the said R. E. had paid for him the said W. S. eleven guineas *per* ton for the hull of the said ship or vessel; and also whether the said W. S. had paid the said R. E. six thousand seven hundred pounds and upwards, in cash and bills, on account of the said sum of eight thousand four hundred pounds and upwards; and also whether there was a balance then due from the estate of the said W. S. to the estate of the said R. E. of one thousand seven hundred pounds and upwards; and also whether if the said R. E. had been paid the balance of one thousand seven hundred pounds and upwards, he would have gained or lost by the whole transaction between them relative to the said ship or vessel; and the said R. E. then and there appeared, and was interrogated and examined upon his aforesaid affirmation by and before the said arbitrators, as to such facts and circumstances: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said R. E. being so affirmed, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and in no wise regarding the laws of this realm, or fearing the penalties therein contained, then and there, to wit, on, &c. at, &c. upon the said arbitration, by his own act and consent, and upon his aforesaid affirmation before the said arbitrators (they the said arbitrators then and there having such power and authority to administer the said affirmation to the said R. E. in that behalf), did wilfully, falsely, and corruptly affirm, declare, and give in evidence (amongst other things) to the said arbitrators, that he the said R. E. had actually paid for the said ship or vessel called the Amazon, tradesmen's bills to the amount of eight thousand four hundred guineas and upwards; in particular, that he the said R. E. had paid for him the said W. S. eleven guineas *per* ton for the hull of the said ship; and that the said W. S. had paid to him the said R. E. six thousand seven hundred pounds and upwards, in cash and bills, on account of the said sum of eight thousand four hundred pounds and upwards; and that there was a balance then due from the estate of the said W. S. to the estate of the said R. E. of one thousand seven hundred pounds and upwards; and that if the said R. E. had been paid the said balance of one thousand seven hundred pounds and upwards, he would neither have gained or lost by the whole transaction between them, relative to the said ship or vessel; whereas in truth and in fact the said R. E. had not actually paid for the said W. S. for or on the account of the said ship or vessel called the Amazon, tradesmen's bills to the amount of eight thousand four hundred pounds and upwards; and in particular, the

AFFIDAVIT BEFORE MASTER IN CHANCERY ON A

said R. E. had not paid for him the said W. S. eleven guineas per ton for the hull of the ship or vessel; and whereas in truth and in fact the said W. S. had not paid to him the said R. E. six thousand seven hundred pounds in cash or bills on account of the said sum of eight thousand four hundred pounds and upwards; and whereas in truth and in fact there was not a balance then due from the estate of the said W. S. to the estate of the said R. E. of one thousand seven hundred pounds or upwards; and whereas in truth and in fact if the said R. E. had been paid the said balance of nine hundred pounds and upwards, he would have gained by the whole transaction between them relative to the said ship or vessel; and so the jurors aforesaid, upon their oath aforesaid, do say, that the said R. E. (so being one of the people called quakers as aforesaid), on, &c. at, &c. before the said (he the said then and there having full power and authority to administer the said affirmation to the said R. E. in that behalf), by his own act and consent did wilfully, falsely, and corruptly affirm and declare in manner and form aforesaid, to the great displeasure of Almighty God, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity, &c.

Drawn by Mr. TIDD.

Indictment for perjury in an affidavit before a master in chancery for the purpose of supporting a petition to the lord chancellor to set aside a commission of bankruptcy on the ground of its having been unduly obtained.

MIDDLESEX, to wit. The jurors for our sovereign lord the king upon their oath present, that heretofore, to wit, on, &c. in the twenty-eighth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. a certain commission of bankrupt, under the great seal of Great Britain, bearing date at Westminster, the same day and year aforesaid, was duly awarded and issued against J. F. by the name and addition of J. F. late of, &c. horse-dealer and chapman, directed to certain commissioners therein named, who thereupon duly found and declared the said J. F. to be a bankrupt: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, on, &c. in the twenty-ninth year of the reign of our said lord the now king, a certain petition was presented to the right honourable the lord high chancellor of Great Britain, by and on the behalf of T. M. J. T. and T. L. shewing (amongst other things) that they the said petitioners had great reasons to believe that the said commission so issued against the said J. F. was issued for the express purpose of serving the said bankrupt, and to defraud them the said petitioners of their respective demands therein mentioned, and praying that the said lord high chancellor would be pleased to order the said commission of bankruptcy awarded and issued against the said J. F. to be superseded: And the jurors aforesaid, upon their oath aforesaid, do further present, that D. J. late of, &c. contriving and intending to injure and aggrieve the said J. F. and to put him to great trouble, charges, and expence of his monies, afterwards, that is to say, on, &c. in the twenty-ninth year of, &c. at, &c. in, &c. came in his proper person, before T. W. esquire, then being one of the masters of the high court

PETITION TO SET ASIDE A COMMISSION OF BANKRUPT. 19

court of chancery of our said lord the king (the said court then and still being held at Westminster, in the county of Middlesex aforesaid), and did then and there produce and exhibit to and before the said T. W. esquire, a certain affidavit in writing of him the said D. J. in support of the said petition, and then and there, before the said T. W. was duly sworn, and took his corporal oath upon the holy Gospel of God concerning the truth of the matter contained in the said affidavit (he the said T. W. then and there having a lawful and competent authority to administer the said oath to the said D. J.): And the said D. J. being so sworn as aforesaid, not having the fear of God before his eyes, and being moved and seduced by the instigation of the devil, and having no regard to the laws and statutes of this realm, nor fearing the punishment therein contained, did then and there, to wit, on, &c. in the twenty-ninth year aforesaid, at, &c. in, &c. in and by his affidavit aforesaid, upon his oath aforesaid, before the said T. W. then and there being one of the masters of the said court of chancery, and having a lawful and competent authority to administer the said oath to the said D. J. falsely, corruptly, knowingly, wilfully, and maliciously, depose and swore as follows, that is to say: In chancery (meaning the said court of chancery), in the matter of J. F. a bankrupt (meaning the said J. F.), D. J. of, &c. (meaning the said D. J.) maketh oath and saith, that J. R. who this deponent (meaning the said D. J.) is informed is the petitioning creditor under the commission of bankruptcy awarded and issued against the said J. F. (meaning the said commission of bankruptcy), in company with the said J. F. the said bankrupt, did, some time on or about the month of December 1787, call upon this deponent (meaning the said D. J.) at his (meaning the said D. J.'s) house in Grosvener Mews: and this deponent (meaning the said D. J.) further saith, that after some little conversation had passed between the said J. R. J. F. and this deponent (meaning the said D. J.) the said J. R. began a conversation with this deponent (meaning the said D. J.) by saying they (meaning the said J. R. and J. F.) came to this deponent (meaning the said D. J.) upon particular business; and upon requesting to know what that business was, the said J. R. told this deponent (meaning the said D. J.), that he (meaning the said J. R.) supposed this deponent (meaning the said D. J.) must have heard that the said J. F. was determined to become a bankrupt; but as he (meaning the said J. F.) wanted a person to become a petitioning creditor, they (meaning the said J. R. and J. F.) had fixed on this deponent (meaning the said D. J.) for that purpose; and then asked this deponent (meaning the said D. J.) if he (meaning the said D. J.) would become such petitioning creditor; but this deponent (meaning the said D. J.) saith, that being much irritated at such request, &c. &c. (set out the affidavit, with the necessary *inuendos*); as by the said affidavit more fully appears: whereas in truth and in fact the said J. R. in company with the said J. F. the bankrupt, or otherwise, did not, at any time in or about the month of December 1787, call upon the said D. J. in Grosvener Mews;

and whereas in truth and in fact the said J. R. did not begin or hold such conversation with the said D. J. as is stated in the affidavit of him the said D. J. ; and whereas in truth and in fact the said J. R. did not tell the said D. J. that he supposed the said D. J. must have heard that the said J. F. was in trouble, or that he was determined to become a bankrupt, or as that he wanted a person to become a petitioning creditor they had fixed on the said D. J. for that purpose, or anything of that or the like purport or effect ; and whereas in truth and in fact the said J. R. did not ask the said D. J. if he would become such petitioning creditor : And so the jurors aforesaid, upon their oath aforesaid, do say, that the said D. J. on the said nineteenth day of December, in the twenty-ninth year aforesaid, at, &c. in, &c. before the said T. W. then being one of the masters of the court of chancery, and having such authority as aforesaid, by his own act and consent, and of his own most wicked and corrupt mind, in manner and form aforesaid, did falsely, knowingly, wickedly, and maliciously commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Drawn by Mr. TIDD.

MIDDLESEX, to wit. The jurors for our sovereign lord the now king upon their oath present, that heretofore, that is to say, on Wednesday the third day of, &c. at, &c. in, &c. before the right honourable William lord Mansfield, chief justice of our lord the king assigned to hold pleas before the king himself, and Sir Sidney Stafford Smythe, knight, lord chief baron of his majesty's court of exchequer, justices of our said lord the king assigned to hold the assizes in and for the county of S. aforesaid, a certain bill of indictment before then duly found against W. G. late of, &c. by the name and addition of W. G. late of, &c. for unlawfully erecting and continuing a certain nuisance, to wit, certain ledges and darris in and across a certain navigable river being the king's common highway, at Richmond, in the parish of, &c. in, &c. called the river Thames, otherwise the Thames, used for all the king's subjects with their barges, boats, and other vessels, to navigate, sail, pass, and repass in and along the same, at their will and pleasure ; whereto the said W. G. had pleaded that he was not guilty of the premises in the said indictment contained, and whereon the issue was duly joined between our sovereign lord the king and the said W. G. ; and the said W. G. came on to be tried, and was tried ; and the said W. G. was then and there, to wit, on, &c. before the justices aforesaid, in due manner and according to due course of law, by a jury of the said county of Surry, found guilty of the premises in the said indictment specified and charged upon him, in manner and form as by the said indictment was alledged against him : And the jurors aforesaid, now here charged and sworn to enquire in form aforesaid, upon their oath

Indictment for perjury in an affidavit made in the court of king's bench relative to the removal of a nuisance in the river Thames, for which defendant had been indicted and convicted at the assizes.

oath aforesaid, do further present, that after the conviction of the said W. G. and before the said court of our said lord the king before the king himself had passed any judgment on the said W. G. for the offence whereof he had been so convicted, to wit, on, &c. the said W. G. not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and contriving and diabolically intending not only to elude, but also to subvert the laws and public justice of this kingdom; and to avert the truth itself, came personally into the said court of our said lord the king before the king himself (the said court then and still being held at W. in the said county of Middlesex), and took his corporal oath on the holy Gospel of God before the said court, the same being then and still held at W. in the said county of Middlesex, in the great hall of pleas there called Westminster Hall, the said court then and there having full power and authority to administer an oath to the said W. G. in that behalf, and then and there, to wit, on, &c. in the said court of our said lord the king before the king himself (the said court then and still being held at W. in the said county of Middlesex), by his own act and consent, upon his said oath, before the said court (the said court then and there having such full power and authority to administer an oath to the said W. G. as aforesaid), falsely, wilfully, maliciously, and corruptly, did say, depose, swear, and make affidavit in writing; which said affidavit is intitled as follows, to wit: In the king's bench, the King *versus* Geter, &c. and was made by the said W. G.; by which said affidavit the said W. G. did (amongst other things) falsely, &c. say, &c. as follows, that is to say: And first, this deponent W. G. (meaning himself the said W. G.) having at the last assizes holden at, &c. in, &c. (meaning the assizes before mentioned) been convicted of unlawfully erecting and placing and contriving a certain ledge or dam in and across the river of Thames, near Richmond, in the county of Surry (meaning the nuisance aforesaid), he this deponent (meaning himself the said W. G.) did, in the month of August last (meaning the month of August in the year 1774), as soon as the then late flood had abated, and shortly after the said trial (meaning the trial of the aforesaid indictment) cause the same (meaning the said ledge or dam), or such part thereof as appeared to him (meaning himself the said W. G.) to be absolutely necessary, to be effectually removed, the only small part thereof (meaning the said ledge or dam), which he this deponent (meaning himself the said W. G.) left still remaining in the said river (meaning the said river of Thames) being several feet below the surface of the water even at low water, and such as he this deponent (meaning himself the said W. G.) apprehended and believed not to be anyways the least injurious or prejudicial to the navigation of the said river (meaning the said river of Thames): And this deponent (meaning himself the said W. G.) further saith, that on, &c. in the afternoon of the same day, he (meaning himself the said W. G.) employed A. B. C. D. &c. three of this deponent's (meaning his the said W. G.'s) servants, to pull up and remove the remainder of the said

ledge or dam, and that they (meaning the said A. B. C. D. &c.) then levelled or made the same (meaning the said ledge or dam) even with the bed of the river (meaning the river Thames) there; in consequence of which no part whatever of the said ledge or dam then remained in or upon the bed of the said river (meaning the river Thames), or any part thereof: And the said W. G. in another part of the said affidavit, did, among other things, falsely, &c. say, &c. as follows, that is to say: And this deponent W. G. together with these deponents A. B. C. D. &c. (meaning the said A. B. C. D. &c.) severally make oath and say, that the said J. P. (meaning one J. P. in the said affidavit before named) and several other persons, who, as they these deponents (meaning the said W. G. A. B. &c.) have been informed and verily believe, were employed by the said prosecutor in this cause (meaning the right honourable ——— Cowper), or by the said J. P. on her (meaning the said Cowper's) behalf, have lately, under pretence of taking up or removing the said ledge or dam for which he this deponent the said W. G. was convicted as aforesaid, made and dug several pits and holes in the soil or bed of the said river, each of which (meaning the said pits or holes) were eighteen or twenty feet, or thereabouts, wide or distant from the place where the said ledge or dam for which he this deponent (the said W. G.) was so convicted as aforesaid, was theretofore placed, some of which pits or holes were four feet below the bed or soil of the said river (meaning the said river Thames) as by the said affidavit, affiled of record in the said court of the said lord the king before the king himself here, to wit, at Westminster, in the said county of Middlesex, reference being thereunto had will among other things fully appear: whereas in truth and in fact the said W. G. did not in the said month of August, as soon as the then late floods had abated, and shortly after the said trial, or at any other time whatsoever, cause the said ledge or dam, or such part thereof as appeared to him to be absolutely necessary, to be effectually removed; and whereas in truth and in fact the part of the said ledge or dam which the said W. G. left still remaining in the said river (as mentioned in the affidavit of the said W. G. in that behalf) was not several feet below the surface of the water even at low water; and whereas in truth and in fact the same was not such as he the said W. G. could apprehend or believe to be anyways the least injurious or prejudicial to the navigation of the said river; and whereas in truth and in fact, had the same been suffered to remain, it must at low water have been injurious and prejudicial to the navigation of the said river, and so he the said W. G. well knew at the time of the making his affidavit aforesaid; and whereas in truth and in fact the said W. G. did not on, &c. in the afternoon of the same day, or at any other time whatsoever, employ the said A. B. &c. to pull up and remove the remainder of the said ledge or dam, nor did they then, or at any other time whatsoever, on that day or at any other time, level or make the same even with the bed of the said river there; and whereas in truth and in fact a great part of the said ledge

or dam, on, &c. remained in and upon the bed of the said river, that is to say, at, &c.; and whereas in truth and in fact neither the said J. P. nor any other person whatsoever employed by the said Cowper the prosecutrix of the aforesaid indictment, or by the said J. P. on her behalf, did, under pretence of taking up or removing the said ledge or dam for which the said W. G. was so convicted as aforesaid, or under any other pretence whatsoever, make and dig any pits and holes in the soil and bed of the said river, each of which were near eighteen or twenty feet, or thereabouts, wide or distant from the said place where the said ledge or dam for which the said W. G. was so convicted as aforesaid was then and there placed, nor were or was some or any of such pits and holes about four feet below the bed or soil of the said river: And so the said now jurors for our said lord the now king upon their oath aforesaid say, that the said William, on, &c. in the said court of our said lord the king before the king himself (the said court then and still being held at Westminster, in the said county of Middlesex), before the court (the said court then and there as aforesaid having full power and authority to administer an oath to the said W. G. in that behalf), by, of, and through the said W. G. his own act and consent, in manner and form aforesaid, upon his oath aforesaid, falsely, &c. committed wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of the laws of this realm, to the wicked and evil example of all others in the like case offending, to the subversion of public justice and good government of this kingdom, and against the peace of our said lord the now king, his crown and dignity, &c.

Drawn by Mr. MORGAN.

KENT, *ff.* The jurors for our lord the king upon their oath *Indictment for* present, that Robert Walker, late of Chatham, in the county of *perjury in an* Kent, rigger, being a person of a wicked mind and turbulent *affidavit to pro-* disposition, on, &c. in the thirteenth year of the reign of, &c. by *duce a rule to* the grace of God, &c. at, &c. in, &c. in his own proper person, *compel two at-* together with one Alexander Lowrie, come before William Two- *torneys to an-* penny, gentleman, then being one of the commissioners of our said *swer to the se-* lord the king lawfully authorized and empowered to take and *veral matters* receive all and every such affidavit and affidavits in the said county *contained in the* of Kent as any person or persons should be willing and desirous to *affidavit, &c. &c.* make before him concerning any cause, matter, and thing depending or in anywise concerning any of the proceedings in the court of king's bench, according to the form of the statute, &c.; and the said R. W. and A. L. on, &c. in, &c. at, &c. in, &c. took their corporal oaths, and each of them the said R. W. and A. L. took his corporal oath upon the Gospel of God, before the said William Twopenny (he the said W. T. then and there having sufficient power and competent authority to administer an oath to the said R. W. and A. L. severally in that behalf, by virtue of the said statute in, &c. and of a certain commission under the seal of the

said court, duly issued out of the said court, pursuant to the said statute; and that the said R. W. being so sworn, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and unlawfully, wickedly, maliciously, and unjustly designing, contriving, and intending greatly to oppress, vex, and aggrrieve George Taylor, &c. &c. then being severally attorneys of the said court of king's bench, and to cause and procure a rule of the same court to be wrongfully, and without any just cause, issued against the said George Taylor, &c. &c. to compel and oblige them severally to answer the several matters contained in the affidavit of the said R. W. and A. L. and thereby to induce and bring them into great expence of their monies, on, &c. in, &c. at, &c. in, &c. before the said W. T. upon his oath, did falsely and maliciously, wilfully, wickedly, and corruptly, say, depose, swear, and make affidavit in writing; which said affidavit so made by the said R. W. and also by the said A. L. is intitled, "In the king's bench, "between Robert W. and Frances his wife, plaintiffs, and A. L. "and Mary his wife, defendants:" in and by which said affidavit the said Robert did say, depose, and swear as followeth, that is to say (here set out the affidavit, and then assign the perjury; after which conclude thus): And so the jurors aforesaid, upon their oath aforesaid, do say, that the said R. W. on, &c. in, &c. at, &c. in, &c. before the said W. T. having sufficient power, &c. falsely, &c. by his own act and consent, for the wicked intents and purposes aforesaid, in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Indictment for perjury against a person for making an affidavit that he had been attending a subpoena at the time when he was arrested by virtue of a writ of *ca. ad re.* in order to obtain his discharge.

SURRY, to wit. The jurors for our soveraign lord the king upon their oath present, that the liberty of the mayor, commonalty, and citizens of London of their town and borough of Southwark, in the county of Surry, is an ancient liberty; and that within the said liberty there now is, and from time whereof, &c. there hath been a certain ancient court of record of our said lord the king and his predecessors, kings and queens of England, holden at the court-house for the time being within the town and borough aforesaid, and within the jurisdiction of the said court, before the steward of the said court for the time being, on Monday in every week, for the trial of personal actions from time to time arising within the said borough, and within the jurisdiction of the said court: And the jurors aforesaid, upon their oath aforesaid, do further present, that heretofore, to wit, on, &c. in, &c. John Hall, late of the parish of, &c. in, &c. saleman, was duly and legally arrested within the town and borough of Southwark, in the said county of Surry, and within the jurisdiction of the said court, by one Stephen Stratford, then and still being an officer and minister of the court aforesaid, under and by virtue of a certain writ of our said lord the king commonly called a *capias ad respondendum*, before then issued out

out of the said court, according to the custom of the said court, at the suit of one Johannah Smith, in a certain personal action before then commenced by the said Johannah Smith against the said John Hall in the said court, according to the custom of the said court, and by the said Johannah Smith alledged to arise within the jurisdiction of the said court: And the jurors aforesaid, upon their oath aforesaid, do further present, that after the said arrest, and whilst the said John Hall remained in the custody of the said Stephen Stratford under and by virtue of the said arrest as aforesaid, that is to say, on, &c. in, &c. he the said John Hall came personally into the said court of our said lord the king of the liberty of the mayor, commonalty, and citizens of the city of London of their said town and borough of Southwark, in the county of S. aforesaid, then holden at the court house within the said town and borough, and within the jurisdiction of the said court, that is to say, in the parish of, &c. in, &c. before Bamber Gascoigne, esquire, then steward of the said court, and did then and there, that is to say, in the said court so holden as aforesaid, and within the jurisdiction aforesaid, to wit, at, &c. in, &c. in order to be discharged from the said arrest and from the custody of the said Stephen Stratford, produce and exhibit to John Townshend, then and still being prothonotary of the said court, and an officer and minister of the court aforesaid, a certain writing, for the purpose of making the same an affidavit of him the said John Hall, and the said John Hall was then and there in due form of law and in due course of justice sworn, and did then and there, for the purpose of being discharged as aforesaid, take his corporal oath upon the holy Gospel of God, by and before the said John Townshend (he the said J. T. having sufficient power and authority to administer an oath to the said John Hall in that behalf), of the truths of the matter contained in the same writing; and the said John Hall did then and there swear upon his oath so taken by and before the said J. T. as aforesaid, that the matters contained in the same writing were true, and did thereby make the same writing and affidavit of him the said John Hall: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Hall so being sworn, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, did falsely, wickedly, and corruptly, in his affidavit aforesaid, say and swear in these words following, that is to say (here set forth the affidavit), as by the said affidavit, duly filed in the said court of our said lord the king, will fully appear: whereas in truth and in fact the said John Hall, at the time he was so arrested, did not inform the said Stephen Stratford, the said officer, that he the said John Hall had been attending in obedience to the said subpoena in the said affidavit mentioned; and whereas in truth and in fact the said John Hall, at the time he was so arrested, did not inform the said Stephen Stratford, the said officer, that he had been attending in obedience to any subpoena whatsoever; and whereas in truth and in fact the said John, at the time he was so arrested, did not shew him the said S. S. the said copy of the said subpoena in the said affidavit

PERJURY ON AN AFFIRMATION BY QUAKER

affidavit mentioned, and thereunto annexed; and whereas in truth and in fact the said John Hall, at the time he was so arrested, did not shew him the said S. S. a copy of any subpoena whatsoever; and whereas in truth and in fact the said John Hall did not, on, &c. that is to say, on, &c. attend the said court in obedience to the said writ of subpoena in the said affidavit mentioned; and whereas in truth and in fact the said John Hall did not, on, &c. last past, that is to say, on, &c. attend the said court in obedience to any writ of subpoena whatsoever: And, so the jurors aforesaid, upon their oath aforesaid, do say, that the said John Hall, on, &c. in, &c. to wit, at, &c. in, &c. in his affidavit aforesaid, so as aforesaid sworn by and before the said T. T. of his wicked mind, falsely, maliciously, wilfully, and corruptly did commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our said sovereign lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

C. RYNNINGTON.

The affidavit stated, that he had been court, and was arrested as he was returning home.

Indictment for perjury in the false affirmation of a quaker, on a trial at nisi prius, concerning certain houses and lands, respecting which commissioners had been appointed under an act of parliament to pull them down, and defendant had affirmed before a jury returned to assess the value, &c. pursuant to the act that the premises were his freehold, and he had bought them; which he denied on the trial, and falsely affirmed to the contrary.

MIDDLESEX. The jurors for our sovereign lord the king, upon their oath present, that before the day of taking this inquisition, to wit, on the twenty-fifth day of August, in the year of our Lord 1778, J. C. &c. commissioners severally appointed to put in execution an act of parliament passed in the eighteenth year of the reign of our lord the now king, intituled, &c. (set forth the title of the act), duly issued a certain precept under their hands and seals, directed to R. P. esquire, and R. C. esquire, sheriff of the county of Middlesex, or his deputy, and did thereby, by virtue of the power and authority vested in them by the said act, for that purpose command and require him the said sheriff to impanel, summon, and return a competent number of substantial or disinterested people of his county, qualified to serve on juries, not less than twenty-four, or more than forty-eight, to come and appear before the said commissioners in or by the said act authorized or appointed as aforesaid, on Thursday the tenth day of September then next ensuing, at nine o'clock in the forenoon, in the committee-room of Whitechapel workhouse, in Whitechapel-road, in the parish, &c. in the county, &c. so that out of such persons so impanelled, summoned, and returned, a jury should be drawn, in order to assess the value of such of the several houses, shops, warehouses, or parts thereof; lands, grounds, tenements, and hereditaments, situate in or near the said avenue called Dirty-lane, as the said commissioners should have occasion to purchase and take down for the purposes of the said act, as also the damage that would be sustained thereby, and of the proportionable value of the respective acts and interest claimed therein, as would be made appear to the said jury at the time and place

place aforesaid: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said precept was afterwards, and before the day of taking this inquisition, to wit, on the tenth day of September, in the aforesaid year 1778, duly executed; and that at and upon the execution thereof, as well the value of certain premises, to wit, a messuage, and a piece of land, with the appurtenances, situate in the said avenue called Dirty-lane, in the parish and county aforesaid, whereto and whereof Michael Munna, of the said parish of Whitechapel, in the said county of M. baker, claimed title, and was possessed, and which the said commission for putting into execution the aforesaid act of parliament, were about to purchase for the purposes in the said act mentioned, as the damage that would be sustained thereby was assessed by the said jurors of a certain jury there drawn under and by virtue of and for the purposes in the aforesaid precept mentioned; and that upon the execution of the said precept of the said M. M. was produced as a witness touching and concerning the aforesaid messuage and land, with the appurtenances, and of concerning his title thereto; and the said M. M. (being one of the people called quakers) was then and there at and upon the execution of the said precept, examined upon his solemn affirmation or declaration, by and before the said sheriff of the said county of M. touching and concerning the said messuage and land, with the appurtenances, and his title thereto: And the said now jurors, upon their oath aforesaid, do further present, that after the execution of the said precept, and before the day of taking this inquisition, to wit, on the second day of June, in the nineteenth year of the reign of our lord the now king, the said commissioners for putting in execution the aforesaid act of parliament, did by J. N. &c. there by them then and there lawfully appointed, proceed to, and did take down a part of the aforesaid messuage, for the purposes in the said act of parliament mentioned: And the said now jurors, upon their oath aforesaid, do further present, that afterwards, and before the taking of this inquisition, to wit, in Michaelmas term, in the twentieth year of the reign of our lord the now king, one E. B. claiming title to and alledging himself to be seised in his demesne as of fee of and in the said messuage, with the appurtenances, impleaded the said J. N. &c. in the court of our said lord the now king, before Sir William de Grey, knight, and his brethren, then his Majesty's justices of the bench at Westminster, in the said county of Middlesex, in a certain plea of trespass on the case, to the damage of the said E. B. of four hundred pounds, of and for the identical taking down the said part of the aforesaid messuage, and for the damage done on that occasion: And the said jurors, upon their oath aforesaid, do further present, that issue was afterwards, to wit, in Hilary term, in the twentieth year aforesaid, duly joined in the said plea between the said E. B. and the said J. N. &c. and that the said issue afterwards, and before the taking this inquisition, to wit, on the nineteenth day of February, in the twentieth year aforesaid, duly came in to be tried, and was tried before Sir George Nares, knight, then being one of the justices of the

the said court of our said lord the now king of the bench at West-
minster aforesaid, in the said county of M. in the great hall of place
there called Westminster-hall, according to the form of the statute
in such case made and provided, by a jury of the county then and
there sworn and charged to try the said issue, and that upon the said
trial of the issue aforesaid, to wit, on the said nineteenth day of Fe-
bruary, in the twentieth year aforesaid, at Westminster aforesaid,
the said M. M. was produced before the said Sir George Nares,
knight, as a witness on the part and behalf of the said E. B.; and
the said M. M. in being one of the people called quakers as afore-
said, was then and there upon the said trial of the said issue affirmed
according to the form of the statute in such case made and provided,
before the said Sir George Nares, knight, and upon such affirmation
or declaration, the said M. M. so being one of the people called
quakers as aforesaid, did solemnly, sincerely, and truly declare and
affirm, that the evidence he should then give to the court then and
there, and the said jury so sworn as aforesaid, touching the matter
then in question, should be the truth, the whole truth, and nothing
but the truth (the said Sir John Nares, knight, then and there
having full power and authority to administer the said affirmation or
declaration to the said M. M. in that behalf): And the jurors afore-
said, upon their oath aforesaid, do further present, that upon the said
trial certain questions then and there arose of and concerning the
testimony and evidence which the said M. M. gave before the said
sheriff of the county of M. and the jurors of the jury so sworn and
impanelled as aforesaid, to the tenor, purport, and effect following,
to wit, whether the said M. M. did not, before the jury who
assessed as well the value of the aforesaid messuage and land, with
the appurtenances, as the damage which would be sustained in
taking down the aforesaid part thereof, say, that the aforesaid
messuage and land, with the appurtenances, were his freehold? and
whether the said M. M. did not, upon the execution of the aforesaid
precept, tell the said jury so thereon drawn as aforesaid that he had
bought the freehold of the said messuage and land, with the appurte-
nances? And the jurors aforesaid, on their oath aforesaid, do further
present, that the said M. M. being, &c. and having so affirmed and
declared as aforesaid, not having the fear of God before his eyes,
but being moved and seduced by the instigation of the devil, and
contriving and wickedly intending not only to elude, but to subvert
the laws and public justice of this kingdom, and wrongfully and
unjustly to hurt, prejudice, and injure the said J. N. &c. the
defendants in the said issue, and wrongfully and unjustly to cause a
verdict to pass and be given against them therein, and to avert truth
itself, he the said M. M. then and there, to wit, on the said nine-
teenth day of February, in the twentieth year aforesaid, at West-
minster aforesaid, in the said county of M. at the said trial of the
said issue, by his own act and consent, and upon his said affirmation
before the said Sir George Nares, knight (he the said Sir George
Nares, knight, then and there having such full power and authority
to administer the said affirmation or declaration to the said M. M. in
being

being one of the people called quakers as aforesaid, did wilfully, falsely, and corruptly affirm and declare (amongst other things) to the jurors of the said jury then and there sworn and charged to try the said issue between the parties aforesaid, that he (the said M. M.) never said that the house (meaning the said messuage heretofore particularly mentioned and described) was his freehold; that he (the said M. M.) did not tell the jury (meaning the said jury so drawn under and by virtue of the said precept as aforesaid) that he had bought the freehold (meaning the freehold of the said messuage); and upon the said M. M. being again interrogated upon the trial of the said issue, whether he had not, at and upon the execution of the aforesaid precept, told the said jury so thereon drawn as aforesaid, that he had bought the freehold of the said messuage, with the appurtenances; he the said M. M. then and there, on the said nineteenth day of February, in the twentieth year aforesaid, at Westminster aforesaid, on the said trial, and on his affirmation and declaration aforesaid, did wilfully, falsely, and corruptly affirm and declare, that he (the said M. M.) never told them (meaning the said jury lastly mentioned) so (meaning that he had bought the freehold of the said messuage), and that he (the said M. M.) told the said jury lastly mentioned that the conveyances (meaning conveyances to pass to and vest in him the said M. M. the freehold of and in the said messuage, with the appurtenances) could not be made to him (the said M. M.), because there was not enough sold to pay off the mortgage: whereas in truth and in fact the said M. M. did say that the house, that is to say, the said messuage herein before particularly mentioned and described, was his freehold; and whereas in truth and in fact the said M. M. did, upon the execution of the aforesaid precept, that is to say, on the tenth day of September, in the eighteenth year aforesaid, affirm, declare, and say unto and before the jurors of the said jury, who assayed as well the value of the aforesaid messuage and land, with the appurtenances, as the damages which would be sustained by the taking down the aforesaid part of the said messuage, that the aforesaid messuage was his freehold; and whereas in truth and in fact the said M. M. did tell the jury, to wit, the jurors of the said jury drawn upon the execution of the said precept as aforesaid, that he had bought the freehold, that is to say, the freehold of the said messuage, with the appurtenances; and whereas in truth and in fact the said M. M. upon the execution of the aforesaid precept as aforesaid, did affirm, declare, and say unto the jurors of the said jury last-mentioned, that he the said M. M. had bought the freehold of the said messuage, with the appurtenances; and whereas in truth and in fact the said M. M. did not, upon the execution of the said precept aforesaid, tell the jurors of the said jury thereon drawn as aforesaid that the conveyances (meaning the conveyances for the purpose aforesaid) could not be made to him, because there was not enough sold to pay off the mortgage; and whereas in truth and in fact the said M. M. did not, upon the execution of the aforesaid precept, affirm, declare, or give in evidence, that the conveyance of the said messuage and land, with the appurtenances,

AFFIRMATION OF QUAKER.

ad Count more
general.

tenances, could not be made to him, because there was not enough sold to pay off the mortgage, nor did he the said M. M. on the execution of the said precept, affirm, declare, or give evidence to that or the like effect : And so the said now jurors for ~~our~~ said lord the now king upon their oath afore said, that the said M. M. so being one of the people called quakers as afore said, on the said nineteenth day of February, in the twentieth year afore said, at Westminster afore said, in the said county of M. before the said Sir G. Nares, knight (he the said Sir George Nares, knight, then and there as afore said having full power and authority to administer the said affirmation or declaration in that behalf), by, of, and through the said M. M. his own act and consent, upon his afore said affirmation and declaration, did wilfully, falsely, and corruptly affirm and declare, to the great displeasure of Almighty God, in contempt of the laws of this realm, to the evil and wicked example of all others in the like case offending, to the subversion of the public justice and good government of this kingdom, and against the peace of our said lord the now king, his crown and dignity, &c. : And the said now jurors, upon their oath afore said, do further present, that before the taking of this inquisition, to wit, on the nineteenth day of February A. D. 1780, a certain issue, wherein E. B. was plaintiff and J. N. &c. were defendants, in a certain plea, to wit, a plea of trespass on the case came on to be tried, and was tried before Sir George Nares, knight, then being one of the justices of the court of our said lord the king of the bench at Westminster, in the county of M. afore said, in the great hall of pleas there called Westminster Hall, according to the form of the statute in such case made and provided, by a jury of the country then and there sworn and charged to try the said issue, and that upon the trial of the said last-mentioned issue the said M. M. was produced before the said (a) chief justice as a witness on the part and behalf of the said E. B. ; and the said M. M. being one of the people called quakers, was then and there, to wit, on the said nineteenth day of February, in the year 1780 afore said, at W. afore said, in the county of M. affirmed, according to the form of the statute in such case made, &c. before the said Sir G. N. knight ; and upon such affirmation or declaration the said M. M. as being one of the people called quakers as afore said, did solemnly, sincerely, and truly declare and affirm, that the evidence he should give to the court then and there, and the said jury so sworn and charged to try the said issue as afore said touching the matter then in question, should be the truth, the whole truth, and nothing but the truth (the said Sir G. N. knight, then and there having full power and authority to administer the said affirmation or declaration to the said M. M. in that behalf) : And the said now jurors upon their oath do further present, that upon the trial of the said issue certain questions then

(a) Upon the trial of this indictment, before Mr. Justice Nares ; but Mr. Mr. Serjeant Walker objected to the Justice Buller, who tried this indictment, expression of " the chief justice," as held the word " chief " to be merely the issue was alleged to have been tried surplusage.

and

and there arose of and concerning a certain house, with the appurtenances, whereof a great part had been thentofore taken down under and by virtue and for the purposes specified in a certain act of parliament made in the eighteenth year of the reign of our said lord the king, entitled, "An Act for, &c." (set forth the title of the act), and of and concerning the title to the said house, and in whom the same was vested, and also of and concerning certain testimony which the said M. M. had thentofore given of and concerning the aforesaid house, with the appurtenances, to and before a certain jury who assessed as well the value of the said house, with the appurtenances, as the damage which would be sustained by taking down such part thereof as aforesaid, according to the tenor and effect, and by virtue of the aforesaid act of parliament; and that the said M. M. was then and there, upon the said trial of the aforesaid issue, interrogated and asked, whether he the said M. M. did not, before the said last-mentioned jury, say, that the said house was his freehold? and whether he the said M. M. did not tell the jurors of the said jury lastly mentioned that he had bought the freehold of the said house? And that the said now jurors, upon their oath aforesaid, do further present, that the said M. M. being one of the people called quakers as aforesaid, so being and having so affirmed and declared as aforesaid, not having the fear of God before his eyes, but, &c. he the said M. M. then and there, to wit, on the said nineteenth day of February A. D. 1780 aforesaid, at W. aforesaid, in the said county of M. at the said trial of the said issue, by his own act and consent, and upon his said affirmation or declaration before the said Sir G. N. knight (he the said Sir G. N. knight, then and there having such full power and authority to administer the said affirmation or declaration to the said M. M. so being one of the people called quakers as aforesaid), did wilfully, falsely, and corruptly affirm and declare (amongst other things) to the jurors of the said jury so sworn and charged to try the said issue as aforesaid, that he, &c. (as in the first Count.)

MIDDLESEX, ff. The jurors for our lord the king upon their oath present, that William Gasson, late of, &c. gentleman, wickedly and maliciously contriving and intending unjustly to aggrieve one George Farraw, and also the said George to great exence of his monies wickedly to induce and bring, and also to cause the sum of ten pounds to be indorsed upon a process of the court to the said lord the king of the said C. B. at Westminster, made out by the filazer of and for the said county of Middlesex, by virtue of which the said George might, by the name of George Farraw, be arrested to answer in the same court at the suit of Thomas Hewson, with an intent that the said George should be compelled to find bail for the aforesaid sum of ten pounds, according to the form of the statute in such case made and provided, on the twelfth day of October, in the thirteenth year of the reign of our sovereign lord George the Second, now king of Great Britain,

Indictment for perjury in an affidavit made before a filazer to hold to bail.

AFFIDAVIT TO HOLD TO BAIL.

Britain, France, and Ireland, defender of the faith, &c. at the parish of Saint Andrew, Holborn, in the county of Middlesex aforesaid, came in as proper persons before Ralph Barnes, gentleman, then deputy of Robert Eyre, esquire, then one of the filazers of the said court of common pleas, to wit, of and for the said county of Middlesex, which said Robert Eyre (a) then was the person who, by virtue of the said office of filazer, and according to the custom of the said court, made out the process of the same court in that behalf against the said George; and the said William Gasson did then and there take his corporal oath upon the holy Gospel of God before the said Ralph Barnes (he the said R. Barnes then and there having sufficient power and authority to administer the said oath to the said William Gasson in that behalf); and that the said William Gasson, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and little regarding the laws of this realm, or the pains and penalties in the same contained, but his aforesaid oath esteeming as nothing, then and there, on the twelfth day of October, in the said thirteenth year of the reign of our said lord the now king, at the parish of Saint Andrew, Holborn, aforesaid, in the said county of Middlesex, before the said R. B. on his oath aforesaid, falsely, maliciously, wilfully, and corruptly, did say, depose, swear, and make affidavit in writing; which said affidavit is entitled as followeth, to wit: "In the common pleas;" and the said affidavit so made by the said William Gasson, of, &c. gentleman (meaning himself the said William Gasson), maketh oath, that George Farrar (meaning the said George Farrar) is indebted to Thomas Hewson (meaning the above-named Thomas Hewson) in the sum of ten pounds, on a judgment recovered by the said T. H. against the said G. F. (meaning the said G. F.) in his majesty's court of king's bench at Westminster: whereas in truth and in fact the said G. F. at the time when he the said M. G. took his said oath, and made his affidavit in form aforesaid, was not indebted to him the said T. H. in the sum of ten pounds upon a judgment recovered by the said T. H. against the said George in his majesty's court of king's bench at Westminster; and whereas in truth and in fact the said G. F. was not then indebted to the said T. H. in the said sum of ten pounds on any account whatsoever: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said W. G. on the said twelfth day of October, in the thirteenth year of the reign of our said lord the now king, at the parish of Saint Andrew, Holborn, aforesaid, in the county of Middlesex aforesaid, before the said R. Barnes, so as aforesaid having sufficient power and authority to administer the said oath to the said W. G. falsely and maliciously, wilfully and corruptly, in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our lord the king and his laws, to the great damage

(a) Should it not be here said, that the filazer made out the process for Middlesex by the custom of the court; there- fore of right made it against the defendant.

of him the said G. F. and against the peace of our said lord the now king, his crown and dignity, &c.

J. MORGAN.

SURRY, *ff.* The jurors for our sovereign lord the now king upon their oath present, that on the day of March, in the sixteenth year of the reign of our sovereign lord George the Third, now king of Great Britain, and in and at Kingston-upon-Thames, in the county of Surry, at the assizes in and for the said county of Surry, taken before Sir Richard Aston, knight, one of the justices of our lord the king assigned to hold the said assizes in and for the county of Surry aforesaid in the said year, a certain issue, wherein one Jane Walker, widow, was plaintiff, and John Burch, Joseph Barlow, Thomas Bartlett, John Preen, John Skeath, Abraham Ewings, and Samuel Brandon, were defendants in a certain plea, to wit, a plea of trespass and assault came on to be tried and was tried, to wit, before the said Sir Richard Aston, so being such justice of our said lord the king assigned to hold the assizes in and for the county of Surry aforesaid, to wit, at Kingston-upon-Thames aforesaid, in the court house there, according to the form of the statute in such case made and provided, by a jury of the country then and there sworn and charged to try the aforesaid issue; upon which said trial one Anne Walker, late of in the county of Surry aforesaid, spinster, on the said day of March, in the sixteenth year aforesaid, in the said court-house at Kingston-upon-Thames aforesaid, in the said county of Surry, was produced before the said Sir Richard Aston, so being such justice as aforesaid, as a witness on the part and behalf of the said Anne Walker, the plaintiff in the aforesaid issue, and was then and there upon the said trial, as a witness on the part and behalf of the said Anne Walker, sworn, and took her corporal oath upon the holy Gospel of God, before the said Sir Richard Aston, that the evidence which she the said Anne Walker should give to the court there, and the said jury so sworn as aforesaid, touching the matter then in question between the said parties, should be the truth, the whole truth, and nothing but the truth (the said Sir Richard Aston then and there having full power and authority to administer the said oath to the said Anne Walker in that behalf): And the jurors aforesaid, on their oath aforesaid, do further present, that on and upon the said trial of the aforesaid issue, certain questions then and there arose to the tenor and purport following, that is to say, whether the said Anne Walker saw the said Samuel Brandon there that evening, or do any thing unto the plaintiff in the aforesaid issue: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Anne Walker so being sworn as aforesaid, not having the fear of God before her eyes, but being moved and seduced by the instigation of the devil, and contriving and diabolically intending not only to elude, but also to subvert the laws and public justice of this realm, and unjustly to hurt, prejudice, and

Indictment for perjury at the assizes on the trial of an assault.

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MISDEMEANOR.

injure the said Samuel Brandon, one of the defendants in the afore-said issue, and wickedly to cause and procure a verdict to pass against the said Samuel Brandon in the said issue joined as afore-said, and thereby to make the said Samuel Brandon liable to the payment of a large sum of money, and to avert truth itself, she the said Anne Walker then and there, to wit, on the said day of March, in the sixteenth year afore-said, at Kingston-upon-Thames afore-said, in the said county of Surry, at and upon the said trial of the said issue, by her own act and consent, upon her afore-said oath, before the said Sir Richard Aston (the said Sir Richard Aston then and there having such full power and authority to administer the said oath to the said Anne Walker in that behalf as afore-said), falsely, maliciously, wilfully, and corruptly did depose, swear, and give evidence to the jurors of the afore-said jury then and there sworn and charged to try the afore-said issue joined between the parties afore-said in the said plea, among other things, that is to say, that she the said Anne Walker and Burch (meaning the said John Burch, one of the defendants in the afore-said issue), and Brandon (meaning the said Samuel Brandon, one other of the defendants in the afore-said issue), there (meaning in the said street and highway called Kent-street, and meaning on the said Monday evening the third day of January 1775, there meaning the said house called or known by the name or sign of the Cooper's Arms), that Burch and Brandon (meaning the said John Burch and Samuel Brandon) had hold of her mother (meaning the said Jane Walker), and dragged her (again meaning the said Jane Walker) down to Pickering's door (meaning the door of a dwelling-house belonging to one Pickering, in the said street or highway called Kent-street, in the parish of afore-said, in the county afore-said); and that some (meaning some of the defendants in the afore-said issue) had hold of her (meaning the said Jane Walker) legs and arms, and being concerned in the assault made on the said Jane Walker in question in the issue afore-said: And the jurors afore-said, on their oath afore-said, do say, that the said Anne Walker so having deposed to the presence of the said Samuel Brandon on the , and at the place afore-said, the said Anne Walker was then and there particularly asked, if she knew the said Samuel Brandon, and if she was sure he was there; to which question the said Anne Walker then and there, on the trial afore-said, falsely, maliciously, wilfully, and corruptly, on her oath afore-said, answered, deposed, and swore, that the said Samuel Brandon (meaning the afore-said Samuel Brandon) was there; that she was positive she knew him (meaning the said Samuel Brandon); and that he (meaning the said Samuel Brandon) was a baker: whereas in truth and in fact the said Samuel Brandon was not there in the said street or highway called Kent-street at the time alledged and pretended by the said Anne Walker; and whereas in truth and in fact the said John Burch and Samuel Brandon had not, nor had either of them, hold of the said Jane Walker, either by her arms or legs, nor did they or either of them drag the said Jane Walker down to Pickering's door, or to any other

other place whatsoever; and whereas in truth and in fact the said Samuel Brandon had not hold of the said Jane Walker by her arms or legs, or by either of them; and whereas in truth and in fact the said Samuel Brandon did not touch her the said Jane Walker at the time and place alledged by the said Anne Walker; and whereas in truth and in fact the said Samuel Brandon did not drag the said Jane Walker in any manner whatever; and whereas in truth and in fact the said Anne Walker did not see the said Samuel Brandon there, to wit, in the said street or highway called Kent-street, at any time during the time of the assault alledged to have been made on the said Jane Walker, concerning which the aforesaid issue was tried: And so the said now jurors for the said now king, upon their oath aforesaid, say, that the said Anne Walker, on the day of March, in the sixteenth year aforesaid, in the said court-house at Kingston upon Thames aforesaid, in the said county of Surry, before the said Sir Richard Aston, then and there as aforesaid having full power and authority to administer the said oath to the said Anne Walker in that behalf, by, of, and through the said Anne Walker her own act and consent, in manner and form aforesaid, upon her aforesaid corporal oath, falsely, maliciously, wilfully, and corruptly committed wilful and corrupt perjury, to wit, at Kingston upon Thames aforesaid, to the great displeasure of Almighty God, in contempt of the laws of the said realm, to the wicked and evil example of all others in the like case offending, to the subversion of public justice and good government of this kingdom, and against the peace of our said lord the now king, his crown and dignity, &c.

MIDDLESEX, ff. The jurors for our sovereign lord the king upon their oath present, that heretofore, to wit, on Saturday the fourth day of December, A. D. 1773, a certain bill of indictment before then duly found against one J. G. for wilful and corrupt perjury; whereto the said J. G. hath pleaded that he is not guilty of the premises in the said indictment mentioned, and whereon the issue was duly joined between our sovereign lord the king, and the said J. G. duly came on to be tried, and was tried before W. lord M. then and still being chief-justice of our sovereign lord the now king, assigned to hold pleas before the king himself at Westminster, in the said county of M. in the great hall of pleas there called Westminster-hall, according to the form of the statute in such case made and provided, by a jury of the county; then and there sworn and charged to try the aforesaid indictment, upon which said trial one W. J. late of B. in the county of Stafford, yeoman, on the said fourth day of December, A. D. 1773 aforesaid, at Westminster aforesaid, was produced before the said chief-justice as a witness on the part and behalf of the said J. G. the defendant in the aforesaid indictment, and was then and there upon the said trial of the said indictment

as a witness on the part of the said J. G. sworn and took his corporal oath upon the holy Gospel of God, before the said chief justice, that the evidence which the said W. J. should give to the court then and there; and the said jury so then sworn as aforesaid touching the matter then in question between our said lord the king and the said J. G. should be the truth, the whole truth, and nothing but the truth; he the said chief justice then and there having full power and authority to administer an oath to the said W. J. in that behalf: And the jurors aforesaid, upon their oath aforesaid, further present, that on the said trial certain questions then and there arose to the tenor and purport following, to wit, whether a certain note in writings, commonly called a promissory note, made by one E. D. bearing date the twenty-second day of January, A. D. 1770, whereby the said E. D. promised to pay to the said J. G. or his order, two hundred and ten pounds, two months after date, for value received, just then lent by the said E. D. to the said J. G. to accommodate the said J. G.; or whether the said note just then given to the said J. G. for him to borrow of one A. S. the sum of money in the said note mentioned for the use of the said E. D.; and also whether the said W. J. had ever passed by the surname of Price; and also whether W. J. had ever given a direction to the said E. D. for him to enquire for the said W. J. by the name of Price? And the jurors aforesaid, upon their oath aforesaid, further present, that the said W. J. being so sworn as aforesaid, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and contriving and diabolically intending, not only to elude, but also to subvert the laws and public justice of this kingdom, and unjustly to cause the said J. G. to be acquitted of the perjury whereof he stood indicted by the said indictment, and to subvert truth itself, he the said W. J. then and there, to wit, on the said fourth day of December A. D. 1779 aforesaid, at Westminster aforesaid, in the said county of M. at the said trial of the said indictment, by his own act and consent, upon his said oath before the said chief justice (he the said chief justice then and there having such power and authority to administer the said oath to the said W. J. as aforesaid), falsely, wilfully, maliciously, and corruptly did so depose, swear, and give evidence, among other things, to the jurors of the aforesaid, then and there sworn and charged to try the said indictment; that the said W. J. saw the said E. D. and J. G. at Sam's coffee-house, near the Exchange (meaning the Royal Exchange in London), on the twenty-second day of January 1770; that the said J. G. told the said E. D. he (the said J. G.) had prevailed upon Mrs. S. (meaning the said Hannah S.) to discount the note (meaning the said promissory note), and he the said J. G. had brought the money with him; that the said J. G. pulled out some bank notes and money, that the said J. G. gave the said bank notes and money to the said E. D. and said there was two hundred and ten pounds; and that the said E. D. looked over the same, and said it was right (meaning

meaning that the said bank notes together amounted to two hundred and ten pounds; that he the said W. J. had never passed by the name of Price, and that he the said W. J. had never given the said E. D. a direction to enquire for him (the said W. J.) by the name of Price; and the said E. D. then and there, on the trial aforesaid, depofed, that the W. J. had given him the said E. D. a direction to enquire for him (the said W. J.) by the name of Price; the said W. J. then and there on the said fourth day of December, A. D. 1773 aforesaid, at Westminster aforesaid, on the said trial on his oath aforesaid, depofed, swore, and faid, that what the said E. D. had fo depofed, as to his the said W. J.'s having given him the said E. D. a direction to enquire for him (the said W. J.) by the name of Price, was false: whereas in truth and in fact the said W. J. did not fee the said E. D. and J. G. at Sam's coffee-house on the twenty-second day of January 1770; and that whereas in truth and in fact the said J. G. did not tell the said E. D. he had prevailed upon Mrs. S. to discount the note, and that the said J. G. had brought the money with him; and that whereas in truth and in fact the said J. G. did not tell out some bank notes and money, and give the said bank notes and money to the said E. D. and say there was two hundred and ten pounds, nor did the said E. D. look over the same and say it was right; and that whereas in truth and in fact the said W. J. had passed by the name of Price; and that whereas in truth and in fact the said W. J. had, before the taking his oath aforesaid, given the said E. D. a direction to enquire for him the said J. S. by the name of Price; and that whereas in truth and in fact what the said E. D. had fo depofed, as to the said W. J. having given the said E. D. a direction to enquire for him by the name of Price, was not false, but was true: And fo the said now jurors for our said lord the now king, upon their oath aforesaid, say, that the said W. J. on the said fourth day of December A. D. 1773 aforesaid, at Westminster aforesaid, in the said county of M. before the said chief justice (he the said chief justice then and there as aforesaid having full power and authority to administer the said oath to the said W. J. in that behalf), by, of, and through the said W. J.'s own act and consent, in manner and form aforesaid, upon his aforesaid oath, falsely, maliciously, wilfully, and corruptly did commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of the laws of this realm, to the wicked and evil example of all others in the like case offending, to the subversion of the public justice and good government of this kingdom, and against the peace of our sovereign lord the now king, his crown and dignity,

OXFORDSHIRE, to wit. The jurors aforesaid, &c. that Indictment for
on the eighth day of May, in the fourteenth year of the reign perjury on an
ing, sworn before a commissioner, in a cause depending in C. B. in which the party indicted was affidavit in writ-
plaintiff,

of George the third, by the grace of God of Great Britain, &c. a certain suit was depending in the court of our said lord the king before Sir W. D'Grey and his companions, then his majesty's justices of the bench at Westminster, between A. B. plaintiff and C. D. defendant; and the said A. B. contriving and intending to aggrieve and injure the said C. D. on the said eighth day of May, in the fourteenth year aforesaid, at New Woodstock, in the county of Oxford, did come in his own proper person before John North, gentleman, then and there being a commissioner duly authorized and empowered to take affidavits in the court aforesaid, and did then and there make and exhibit to the said J. N. a certain affidavit in writing of him the said A. B. in the said suit between the said A. B. and the said C. D. being then depending in the said court of our said lord the king, before his majesty's said justices of the bench at Westminster aforesaid, and then and there as aforesaid, in the said county of Oxford, before the said J. N. was duly sworn and took his corporal oath upon the holy Gospel of God concerning the truth of the matters contained in the said affidavit (the said J. N. then and there having a lawful and competent authority to administer the same oath to the said A. B. and to take and receive the aforesaid affidavit); and then and there the said A. B. not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and having no regard to the laws and statutes of this realm, nor fearing the punishment therein contained, did before the said J. N. having a competent authority to administer an oath to the said A. B. in that behalf, falsely, and voluntarily, and corruptly upon his said oath depose and swear in writing as follows, viz. In the common pleas, A. B. plaintiff and C. D. defendant. A. B. of &c. (setting out the whole of the affidavit) as by the said oath of the A. B. in writing, remaining of record in the said court of our said lord the king of the bench at Westminster aforesaid, it more fully appears in truth and in fact, &c. (denying every part of the affidavit on which defendant is indicted,) and so the jurors aforesaid, upon their oath aforesaid, say, &c. (as above.)

Indictment for perjury on an affidavit before a master extraordinary in chancery, by a bankrupt, in order to supersede his commission.

WARWICKSHIRE, to wit. The jurors for our sovereign lord the king upon their oath present, that heretofore, to wit, on the eighth day of November, in the twenty-ninth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. a certain commission of bankruptcy under the great seal of Great Britain, bearing date at Westminster the same day and year aforesaid, founded on the several statutes made and then in force concerning bankrupts, was duly awarded and issued against John Corden, and directed to certain commissioners therein named; and the said John Corden was thereupon duly found and declared to be a bankrupt: And the jurors aforesaid, upon their oath aforesaid, do further present, that after the awarding and

issuing

issuing of the said commission, to wit, on the day of December, in the twenty-ninth year aforesaid, a certain petition was presented to the right honourable the lord high chancellor of Great Britain, by and on the behalf of the said John Corden, setting forth and shewing that a commission of bankrupt had been awarded and issued against the said John Corden, dated the eighth day of November 1788; and that the said John Corden had been thereupon found and declared to be a bankrupt; that notwithstanding the said commission had issued, and the said John Corden had been found a bankrupt under the same, yet the said John Corden in fact had never committed any act of bankruptcy; and that the act of bankruptcy alledged to have been committed by the said John Corden, in absconding from his dwelling-house at Birmingham, in the county of Warwick, some time in the month of November then last past, or keeping out of the way in order to avoid payment to his creditors, some or one of them, as the said John Corden had heard and believed; that at or about the time aforesaid, the said John Corden had been absent from his said dwelling-house a few days, having taken a journey to Dudley, in the county of Stafford, and to divers other places about his necessary affairs and concerns, and which journey had been taken by the said John Corden merely and only on his necessary and ordinary affairs and concerns, and not to avoid payment of any of his creditors; neither had been any creditor of the said John Corden, to the knowledge, information, or belief of the said John Corden, delayed the payment of his or her debt or demand upon the said John Corden by reason of any such absence of the said J. C. that the said commission issued at the instance of R. S. and L. S. who were the petitioning creditors for the same, but to whom the said John Corden was not indebted in the sum of one hundred pounds, or nearly that sum, at the time of their petitioning for and the issuing of the said commission; that W. P. of Birmingham, in the county of Warwick, button-maker, had been chosen the sole assignee of the said John Corden's estate and effects, to whom the same had been assigned, or by whom the same had been possessed: And the said John Corden therefore humbly prayed the said lord high chancellor that the said commission of bankruptcy might be superseded, as having been improperly founded against the said J. C. and that the said J. C.'s estate and effects might be restored to him by the assignee under such commission: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said John Corden contriving, and wickedly and maliciously intending to injure and aggrieve the said R. S. and L. S. the petitioning creditors for the said commission, and to put them to great charge and expence of their monies, and to cause the said commission of bankruptcy to be superseded, heretofore, to wit, on the fifth day of December, in the twenty-ninth year aforesaid, at, &c. aforesaid, did come in his the said J. C.'s proper person before A. M. esquire, then and still being one of the masters extraordinary of his majesty's high court of chancery,

and did then and there produce and exhibit to and before the said A. M. so being such master as aforesaid, a certain affidavit in writing of him the said J. C. in support of the said petition; and then and there before the said A. M. so being such master as aforesaid, was duly sworn and took his corporal oath upon the holy Gospel of God concerning the truth of the matters contained in the said affidavit (the said A. M. then and there having a lawful and competent authority to administer the said oath to the said J. C. and to take and receive the said affidavit of the said J. C.): And that the said J. C. being so sworn as aforesaid, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and having no regard to the laws and statutes of this realm, nor fearing the punishment therein contained, did then and there, to wit, on the fifth day of December, in the twenty-ninth year aforesaid, at, &c. aforesaid, in and by his affidavit aforesaid, upon his oath aforesaid, before the said A. M. so being, &c. (the said A. M. having a lawful and competent authority to administer the said oath to the said J. C. and to take and receive his said affidavit), falsely, corruptly, knowingly, wilfully, and maliciously, depose and swear as follows, that is to say: In chancery (meaning the said court of chancery), in the matter of John Corden a bankrupt (meaning the said J. C.), John Corden, of Birmingham, in the county of Warwick, taylor (meaning the said J. C.), maketh oath and faith, that a commission of bankruptcy was awarded and issued against him this deponent (meaning the said J. C.) dated the eighth day of November, in the twenty-ninth year aforesaid, as appears to him this deponent (meaning the said J. C.) by a summons with which he this deponent (meaning the said J. C.) hath been served to attend the said commissioners in the said commission authorized; and as he this deponent (meaning the said J. C.) verily believes: And that he the deponent (meaning the said J. C.) was thereupon found and declared to be a bankrupt; and that notwithstanding the said commission hath issued, and he this deponent (meaning the said J. C.) hath been found a bankrupt under the same, that he this deponent (meaning the said J. C.) in fact never committed any act of bankruptcy; and that the act of bankruptcy alledged to have been committed by him this deponent (meaning, &c.) is an absconding from his (meaning the said J. C.'s) dwelling-house at Birmingham, in the county of Warwick, some time in the month of November now last past (meaning the month of November in the twenty-ninth year aforesaid), or keeping out of the way in order to avoid payment of his (meaning the said J. C.'s) creditors, some or one of them, as he this deponent (meaning, &c.) believes; and that at or about the time aforesaid (meaning the said month of November in the twenty-ninth year aforesaid), he this deponent (meaning, &c.) was absent from his (meaning the said J. C.'s) dwelling-house for a few days, having taken a journey to Dudley, in the county of Stafford, about twelve miles from Birmingham aforesaid, and to
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divers other places, about his (meaning, &c.) necessary affairs and concerns, and not to avoid payment of any of his (meaning the said J. C.'s) creditors; neither hath any creditor of him this deponent (meaning, &c.), to this deponent's (meaning, &c.) knowledge, information, or belief, been delayed the payment of his or her debt or demand upon him this deponent (meaning, &c.) by reason of any such absence of him this deponent (meaning, &c.); and that the said commission issued at the instance of R. S. and L. S. who were the petitioning creditors for the same, but to whom he this deponent (meaning, &c.) was not indebted in the sum of one hundred pounds; and that W. P. as this deponent (meaning, &c.) hath heard and believes, was chosen sole assignee of this deponent's (meaning the said J. C.'s) estate and effects, as by the said affidavit, remaining in the said court of chancery at Westminster, more fully appears: Whereas in truth and in fact the said J. C. before the awarding and issuing of the said commission of bankruptcy, had committed an act of bankruptcy; and whereas in truth and in fact the said J. C. at the time of making affidavit as aforesaid, well knew that he had committed an act of bankruptcy; and whereas in truth and in fact the said J. C. at the time of awarding and issuing the said commission, was indebted to the said R. S. and L. S. who were the petitioning creditors for the same, in the sum of one hundred pounds and upwards: And so the jurors aforesaid, upon their oath aforesaid, do say that the said J. C. on the said fifth day of December, in the twenty-ninth year aforesaid, at Birmingham aforesaid, in the county aforesaid, upon his oath aforesaid, before the said A. M. so being such master, and having such authority as aforesaid, by his own act and consent, and of his own most wicked and corrupt mind, falsely, wickedly, maliciously, wilfully, and corruptly, in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Drawn by MR. TIDD.

LONDON, to wit. The jurors for our sovereign lord the king upon their oath present, that before the making of the affidavit hereafter mentioned, to wit, in Michaelmas term, in the twenty-ninth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. a certain judgment had been and was signed in the court of our said lord the now king, before the king himself (the said court then and still being holden at Westminster, in the county of Middlesex), in a certain cause, wherein Thomas Cowan was plaintiff, and William Doyle was defendant, whereby it was considered, that the said Thomas Cowan did recover against the said William Doyle as well a certain

Indictment for perjury in an affidavit before a judge at chambers, to obtain a rule to set aside a judgment writ of execution, and to be discharged out of custody.

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tain debt of two thousand and forty pounds, as also eighty-three shillings, which in and by the said court were adjudged to the said Thomas Cowan for his damages which he had sustained, as well by reason of the detaining the said debt, as for his costs and charges by him about his suit in that behalf expended, whereof the said William Doyle was convicted, as by the record and proceedings thereof still remaining in the said court of our said lord the king, before the king himself at Westminster aforesaid, more fully appears; and which said judgment had been, and was so signed upon, and by virtue of a certain bond and warrant of attorney before then made, and given by the said William Doyle to the said Thomas Cowan; and that after the signing of such judgment, and before the making of the affidavit hereafter mentioned, the said William Doyle had been, and was taken and arrested by the sheriff of the county of Middlesex, under and by virtue of a certain writ of our said lord the king, commonly called *a capias ad satisfaciendum*, before then issued out of the said court of our said lord the king, before the king himself at Westminster aforesaid, upon the said judgment directed to the said sheriff, and returnable in the same court on Friday next, after eight days of St. Hilary, in Hilary term now last past, to wit, at London aforesaid, in the parish of Saint Dunstan in the West, in the ward of Farringdon Without: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Doyle, late of London aforesaid, esquire, contriving, and wickedly and maliciously intending to aggrieve and injure the said Thomas Cowan, and to deprive him of the means of recovering the debt and damages aforesaid, heretofore, to wit, on the twenty-third day of January, in the twenty-ninth year of the reign of our said lord the now king at London aforesaid, in the parish and ward aforesaid, in order to obtain a rule of the said court of our said lord the king, before the king himself, whereby he might be ordered by the said court, that the said Thomas Cowan should shew cause why the judgment signed in the said cause, and the writ of *capias satisfaciendum* issued and executed thereon by the sheriff of the county of Middlesex as aforesaid, should not be set aside; and why the said William Doyle should not be discharged out of the custody of the marshal of the Marshalsea of the said court of our said lord the king, before the king himself, as to action aforesaid, did come in his the said William Doyle's proper person, before Sir Nash Grose, knight, then being one of the justices of the said court of our said lord the king, before the king himself, and did then and there produce to and before the said Sir Nash Grose, *so being such justice as aforesaid, a certain affidavit in writing of him the said William Doyle, and the said William Doyle then and there before the said Sir Nash Grose, so being such justice as aforesaid, was duly sworn, and did take his corporal oath, upon the holy Gospel of God, concerning the truth of the matters contained in the said affidavit (he the said Sir Nash Grose then and there having sufficient and competent power and authority to administer the same oath*

to the said William Doyle, and to take and receive the said affidavit of him the said William Doyle): And that the said William Doyle being so sworn as aforesaid, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and having no regard to the laws and statutes of this realm, nor fearing the punishment therein contained, did then and there, to wit, on the said twenty-third day of January, in the twenty-ninth year aforesaid, at, &c. aforesaid, and by his said affidavit aforesaid, upon his oath aforesaid, before the said Sir Nash Grose, so being such justice, and having such power and authority as aforesaid, maliciously depose and swear, amongst other things, as follows, that is to say, and this deponent (meaning the said William Doyle) saith, that the said plaintiff (meaning the said T. C.) in or about the year 1784, according to the best of this deponent's (meaning the said W. D.) now recollection and belief, as to the time pretending to this deponent (meaning the said W. D.), that he this deponent (meaning the said W. D.), was indebted to him (meaning the said T. C.) in a considerable sum of money upon the balance of accounts between them (meaning the said W. D. and the said T. C.), and the said plaintiff (meaning the said T. C.) then requested this deponent (meaning the said W. D.) to give him (meaning the said T. C.) a bond, with a warrant of attorney for confessing a judgment or judgments thereon, in order to secure to the said plaintiff (meaning the said T. C.) whatever might be coming from this deponent (meaning the said W. D.) to him (meaning the said T. C.) upon the balance of such account when the same should be finally settled: And this deponent (meaning the said W. D.) at that time relying on the honour and integrity of the said plaintiff (meaning the said T. C.) was prevailed upon, and did execute to him (meaning the said T. C.) such bond and warrant of attorney accordingly, but for what amount in particular this defendant (meaning the said W. D.) does not now recollect; and this deponent (meaning the said W. D.) further saith, that some time after this deponent (meaning the said W. D.) had executed the said bond and warrant of attorney, and before the accounts for which the said securities were given, had been in any manner settled between the said plaintiff (meaning the said T. C.) and this deponent (meaning the said W. D.), he the said plaintiff (meaning the said T. C.) caused judgment to be entered upon the bond and warrant of attorney, in one of his majesty's courts of record in Ireland, and was actually proceeding to enforce the payment for which the same was given, notwithstanding such bond and warrant of attorney were given to the said plaintiff (meaning the said T. C.) merely as a security to guarantee him (meaning the said T. C.) for any sum of money that should appear to be due from this deponent (meaning the said W. D.) to him (meaning the said T. C.) on a just and fair settlement of accounts between them (meaning the said W. D. and T. C.): And this deponent (meaning the said W. D.) saith, that a variety of dealings and transactions hav-

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ing taken place between the plaintiff (meaning the said T. C.) and this deponent (meaning the said W. D.) in consequence of such appointment as aforesaid (meaning a certain appointment before alluded to in the said affidavit), and a long and voluminous account remaining unsettled between them (meaning the said T. C. and the said W. D.), he this deponent (meaning the said W. D.) was desirous to have the same settled and adjusted, and therefore frequently applied to the said plaintiff (meaning the said T. C.) for that purpose, but the said plaintiff (meaning the said T. C.) always declined coming to any settlement with this deponent (meaning the said W. D.); and this deponent (meaning the said W. D.) saith, that the said plaintiff (meaning the said T. C.) having in his (meaning the said T. C.'s.) possession this deponent's (meaning the said W. D.'s.) papers, vouchers, and other things necessary to have on the settling of the said account, and having also several bonds or securities of this deponent (meaning the said W. D.'s.), and this deponent (meaning the said W. D.) finding the said plaintiff (meaning the said T. C.) declined all manner of settlement with this deponent (meaning the said W. D.), and refusing to give this deponent (meaning the said W. D.) a copy of his (meaning the said T. C.'s.) account respecting the matters aforesaid, he this deponent (meaning the said W. D.) in order to obtain a copy and settlement of such accounts, in or about the month of October last (meaning the month of October A. D. 1788), according to the best of this deponent's (meaning the said W. D.'s.) now recollection and belief as to the time, filed his bill of complaint in his majesty's high court of chancery in Ireland against the said plaintiff (meaning the said T. C.) respecting the several supposed demands made by the plaintiff (meaning the said T. C.) on this deponent (meaning the said W. D.), and particularly the said bond, and the judgment obtained thereon in Ireland, and praying an account of all dealings and transactions between them (meaning the said W. D. and the said T. C.), and also praying for an injunction to prevent the plaintiff's (meaning the said T. C.'s.) proceeding at law against this deponent (meaning the said W. D.) till such time as the said accounts could be taken and settled: And this deponent (meaning the said W. D.) saith, that the said plaintiff (meaning the said T. C.) put in a very voluminous answer to the said deponent's (meaning the said W. D.'s.) said bill, but omitted answering several of the material parts therein charged by this deponent (meaning the said W. D.): And this deponent (meaning the said W. D.) having taken exceptions to the said answer, the same came on to be argued before one of the masters of the said court (meaning the said court of chancery in Ireland), who reported the said answer evasive and insufficient: And this deponent (meaning the said W. D.) saith, that on such report the said lord chancellor of Ireland granted an injunction against the said plaintiff's (meaning the said T. C.'s.) proceeding at law against this deponent (meaning the said W. D.) according to the

the prayer of this deponent's (meaning the said W. D.'s.) said bill: And this deponent (meaning the said W. D.) saith, he (again meaning the said W. D.) verily believes, that upon a fair statement of accounts between the said plaintiff (meaning the said T. C.) and this deponent (meaning the said W. D.), there is a very inconsiderable sum, if any thing, due from this deponent (meaning the said W. D.) to the said plaintiff (meaning the said T. C.) as by the said affidavit in writing of the said W. D. afterwards exhibited to the said court of our lord the king, before the king himself, for the purpose aforesaid, and now there remaining more fully appears: Whereas in truth and in fact the said T. C. did not request the said W. D. to give him a bond with a warrant of attorney for confessing a judgment or judgments thereon, in order to recover to the said T. C. whatever might be coming from the said W. D. to him the said T. C. upon the balance of accounts when the same should be finally settled; nor did the said W. D. execute to him the said T. C. such bond and warrant of attorney accordingly; and whereas in truth and in fact the said W. D. on the seventeenth day of August, A. D. 1784, at London aforesaid, in the parish and ward aforesaid, made and executed to the said T. C. a certain bond in the penal sum of two thousand and forty pounds, conditioned for the payment of the sum of one thousand and twenty pounds, with lawful interest to the said T. C. on the first day of September then next, and also a certain warrant of attorney for confessing judgment on the said bond (being the bond and warrant of attorney alluded to in the said affidavit of the said W. D.), in order to secure the payment of the said sum of one thousand and twenty pounds and interest at the time aforesaid, due and owing from the said W. D. to the said T. C. and not merely as a security to guarantee him the said T. C. for any sum of money that should appear to be due from the said W. D. to the said T. C. on a just and fair settlement of accounts between them; and whereas in truth and in fact the said T. C. did not at any time decline coming to any settlement with the said W. D. but on the contrary thereof a settlement of accounts took place, and was had between the said T. C. and the said W. D. as well before as after the giving of the said bond and warrant before the said month of October 1788; [and whereas in truth and in fact the said T. C. did not at any time cause judgment to be entered on the said bond and warrant of attorney, in one or any of his majesty's courts of record in Ireland; and whereas in truth and in fact the said W. D. did not file his said bill of complaint in his majesty's high court of chancery in Ireland, against the said T. C. particularly, or in any wise respecting the said bond, or any judgment *obtained or supposed to be obtained thereon in Ireland aforesaid*;] and whereas in truth and in fact the said T. C. did not omit answering several or any material parts charged in the said bill by the said W. D. "AND WHEREAS IN TRUTH AND IN FACT ONE," or any of the masters of the said last-mentioned court, did not report the answer of him the said T. C. to the said bill

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bill evasive and insufficient; and whereas in truth and in fact the said lord chancellor of Ireland did not grant an injunction on such report against the said T. C's. proceeding at law against the said W. D. according to the prayer of the said bill; and so the jurors aforesaid, upon their oath aforesaid, do say that the said W. D. on the said twenty-third day of January, in the twenty-ninth year aforesaid, at London aforesaid, in the parish and ward aforesaid, before the said Sir Nath Grose, so being such justice, and having such power and authority as aforesaid, by his own act and consent, and of his own most wicked and corrupt mind, in manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. D. in order to obtain a rule of the said court of our said lord the king, and before the king himself at Westminster aforesaid, whereby it might be ordered that the said Thomas Cowan should shew cause why a certain judgment before then obtained in a certain action in the same court by the said Thomas Cowan against the said W. D. and a certain writ of *capias ad satisfaciendum* issued and executed thereon by the sheriff of the county of Middlesex, should not be set aside, and why the said W. D. should not be discharged out of the custody of the marshal of the Marshalsea of the same court, as to the said action on the twenty-third day of January, in the twenty-ninth year of the reign of our said lord the now king, at London aforesaid, in the parish and ward aforesaid, came in his own proper person before Sir Nath Grose, knight, then being one of the justices of the said court of our said lord the king, before the king himself, at Westminster aforesaid, and did then and there produce (here insert all that is in Italic in the first Count, as far as the word "things", inclusive) in substance and effect as follows, that the said T. C. had caused a certain judgment to be entered on a certain bond and warrant of attorney, before then given and executed by the said W. D. to the said T. C. in one of his majesty's courts of record in Ireland, and was actually proceeding to enforce the payment of the money for which the same was given, notwithstanding such bond and warrant of attorney were given to the said T. C. merely as a security to guarantee him for any sum of money that should appear to be due from the said W. D. to the said T. C. on a just and fair settlement of accounts between them the said W. D. and T. C. and that the said W. D. had filed a bill in his majesty's high court of chancery in Ireland, respecting several supposed demands made by the said W. D. to the said T. C. and particularly the said bond and judgment obtained thereon in Ireland, and praying for an injunction to prevent the said T. C's. proceeding at law against the said W. D. until such time as the said account should be taken and settled; and that one of the masters of the court of chancery

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in Ireland had reported to the lord high chancellor of Ireland the answer put in by the said T. C. to be evasive and insufficient; and that on such report the said lord chancellor quashed an injunction against the said T. C.'s proceeding at law, according to the prayer of the said bill: And the jurors aforesaid, upon their oath aforesaid, do further present, that the several matters and things so deposed to try the said W. D. were material, in order to induce the said court of our said lord the king, at Westminster aforesaid, to grant the said rule: whereas in truth and in fact the said T. C. did not, at any time, cause judgment to be entered on such bond, &c. (here insert all that is within the crochets, and from the place where it is in italics to the end of the first Count.)

F. BOWER.

MIDDLESEX, to wit. The jurors for our sovereign lord the king upon their oath present, that heretofore, that is to say, in Easter term, in the thirty-sixth year of the reign of our sovereign lord George the Third, king of Great Britain, and so forth, Thomas Stokes, of Monmouth, gentleman, made a certain application to the court of our lord the now king, before the king himself, against *William Clarke, late of Workop, in the county of Nottingham, gentleman, one George Crofsley, and one Thomas Briarly*, he the said William Clarke before and at the time of making the said application being one of the attornies of the said court of our lord the now king, before the king himself, at Westminster, in the county of Middlesex: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, on Friday next after one month from Easter day, in the thirty-sixth year of king George the Third, the said Thomas Stokes, upon the affidavit of himself and the affidavit of Wing Ashfield, and John Stockdale, and a certain paper-writing thereto annexed being read by the said court of our said lord the now king, before the king himself, obtained a rule of the said court of our said lord the king, before the king himself, AGAINST THE SAID WILLIAM Clarke, George Crofsley, and Thomas Briarly, whereby it was ordered, that the said *William Clarke, George Crofsley, and Thomas Briarly*, upon notice of that rule, to be severally given to them, should upon Friday on the morrow of the Ascension of Our Lord, answer the matters contained in the said affidavits, and attend the said court in person at the time of answering as aforesaid, to wit, at Westminster, in the said county of Middlesex: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, on Saturday next after the morrow of the Ascension of Our Lord, in the thirty-sixth year aforesaid, a certain other rule was made by the said court of our said lord the now king, before the king himself, whereby it was, amongst other things, ordered, that the third day of the then next term should be further peremptorily given to the said *William Clarke, George Crofsley, and Thomas Briarly*, to answer the matters contained in the affidavit in the said rule made, on Friday next after one month from Easter day, in the thirty-

Indictment against an attorney for perjury in an affidavit in answer to interrogatories.

thirty-sixth year aforesaid mentioned, and attend the said court in person, to wit, at Westminster, in the county of Middlesex : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said affidavit of the said Thomas Stokes contained, amongst other things, the matters following, that is to say : Thomas Stokes, of Monmouth, gentleman, maketh oath, that by virtue of a certain warrant under the hand and seal of William Barrow, esquire, one of his majesty's justices of the peace in and for the city of Hereford, bearing date the first day of October 1795, and of a certain *legal* indorsement thereon *duly* made by one of his majesty's justices of the peace in and for the county of Middlesex, he this deponent (meaning himself the said Thomas Stokes) did, on the seventh day of the said month of October, make search in the dwelling-house of George Crossley (*meaning the said GEORGE CROSSLEY*), then of the Adelphi, in the county of Middlesex aforesaid, one of the attornies of this honourable court (meaning the said court of our lord the *now* king, before the king himself), for certain papers, letters, bonds, and writings suspected to be in the dwelling-house of the said George Crossley, and relating to or concerning the forgery of the will of Henry Lewis, then or late of Hygga, in the county of Monmouth, clerk, deceased; and that this deponent (again meaning himself the said Thomas Stokes) did find in a drawer of a desk in the dwelling-house of the said George Crossley (and which drawer was opened with a key kept by the said George Crossley) a sheet of paper having a treble fixpenny stamp thereon fixed on the left side, and at the top thereof, and which was the usual stamp for ingrossing or writing affidavits on till the last additional duty thereon imposed in or about the month of August last; and that such sheet of stamped paper has the name "W. Clarke" thereon wrote, at the left side of the said paper, and the name and words "Thomas Briarly, a master extraordinary in chancery," thereon also wrote at the right side of the said paper, and none other writing thereon; and which said sheet of paper is in the same state as when found by this deponent (meaning himself the said Thomas Stokes), in the custody of the said George Crossley (except as to the initials T. M. thereon put by one of the officers of Bow-street), and the same now remains in this deponent's (meaning his the said Thomas Stokes's) custody, ready to be produced to this honourable court (meaning the said court of our said lord THE KING, before the king himself); that the said G. Crossley remonstrated with this deponent (again meaning himself the said Thomas Stokes) about this sheet of paper, saying, that the same could not anyways concern the object of this deponent's (meaning the said Thomas Stokes's) search, or used words to that or the like purport and effect; that the said George Crossley earnestly entreated this deponent (meaning the said Thomas Stokes) to give up such paper, saying, he well knew the ruin of Clarke and Briarly would follow; but which this deponent (meaning himself the said Thomas Stokes) would not, as he (again meaning himself the said Thomas Stokes) presumed in duty

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he (again meaning himself the said Thomas Stokes) could not consent to ; and that the said George Crossley told this deponent (again meaning the said Thomas Stokes), the name W. Clarke to such paper was the hand-writing of William Clarke, of Work-sop, attorney, but did not say who Thomas Briarly was ; and this deponent (again meaning himself the said Thomas Stokes) further saith, that he (meaning himself the said Thomas Stokes) also found in the dwelling-house of the said *George Crossley* the letters, copies of which *here (meaning in his said affidavit) follow*, and which letters are in the custody of this deponent (again meaning himself the said Thomas Stokes) ready to be produced to this honourable court (meaning the said court of *our said lord THE king*, before the king himself) : And the jurors aforesaid, upon their oath aforesaid, further say, *that the said paper-writing in the said rule made, on Friday next after one month from Easter Day*, in the thirty-sixth year aforesaid mentioned, *is the said sheet* of paper having a treble sixpenny stamp thereon fixed on the left side and at the top thereof, and the name " W. Clarke " thereon wrote at the left side of the said paper, and the name and words " Thomas Briarly, a master " extraordinary in chancery," therein also wrote at the right side of the said paper in the said affidavit of the said Thomas Stokes mentioned, to wit, at Westminster, in the said county of Middlesex ; and that afterwards, to wit, on the thirtieth day of May, in the thirty-sixth year aforesaid, in the said court of our said lord *the now king*, before the king himself, at Westminster, in the county of Middlesex, *the same was produced and shewn to the said William Clarke* : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Clarke, contriving and intending to stop the course of public justice, on the thirty-first day of May, in the thirty-sixth year aforesaid, did come in his own proper person into the court of our said lord *THE KING* before the king himself, the said court then being at Westminster, in the county of Middlesex, and did then and there produce to the said court a certain affidavit in writing of him the said William Clarke, to be exhibited to the said court for the purpose of discharging the said rules, and then and there, before the said court, was duly sworn, and took his corporal oath upon the holy Gospel of God, that the contents of the said affidavit of him the said William Clarke were true (the said court then and there having a *lawful and competent* authority to administer the said oath to the said William Clarke, and to take and receive the said affidavit of the said William Clarke) ; and that the said William Clarke being so sworn as aforesaid, and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and having no regard to the laws and statutes of this realm, nor fearing the pains and penalties therein contained, did then and there, to wit, *on the said thirty first day of May, in the thirty-sixth year aforesaid*, at Westminster aforesaid, in the said county of Middlesex, in and by his affidavit aforesaid, upon his oath aforesaid, before the said

court (the said court then and there having a *lawful* authority to administer the said oath to the said William Clarke, and to receive his said affidavit), *falsely*, corruptly, knowingly, wilfully, and wickedly depose and swear, amongst other things, as follows, that is to say, that upon the attendance of this deponent (meaning himself the said William Clarke) in this honourable court (meaning the said court of our said *lord the king, before the king himself*), on the thirtieth day of May instant (meaning the thirtieth day of May, in the thirty-sixth year aforesaid), in obedience *to the rule* in this matter (meaning the said rule made on Saturday next after the morrow of the Ascension of Our Lord, in the thirty-sixth year aforesaid), a sheet of stamped paper, as set forth in the affidavit of Mr. Thomas Stokes mentioned in the said rule (meaning the said affidavit of the said Thomas Stokes above-mentioned) was produced and shewn to this deponent (meaning himself the said William Clarke) having the name and words "Thomas Briarly, a *master* " extraordinary in chancery," and also the name or letters "W. " Clarke" set and subscribed thereon (meaning on the said paper) ; and positively saith, that W. Clarke set and subscribed upon the said sheet of stamped paper, and so produced and shown to this deponent (meaning himself the said W. Clarke) as aforesaid, is not the hand-writing of this deponent (meaning of himself the said William Clarke) : whereas in truth and in fact the name and letters "W. Clarke" set and subscribed upon the said sheet of stamped paper are the hand-writing of the said William Clarke, to wit, at Westminster, in the said county of Middlesex : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said William Clarke, upon his oath aforesaid, in and by his affidavit aforesaid, did *falsely*, corruptly, knowingly, wilfully, and wickedly, further depose and swear as follows, that is to say, and this deponent (again meaning himself the said William Clarke) further saith, that in or about the year 1787, according to the best of deponent's recollection (meaning his the said William Clarke's recollection) as to time, this deponent (again meaning himself the said William Clarke) was requested by *Mr. William Clarke*, of Leicester, his late uncle, deceased, to apply unto Mr. Wing Ashfield, then attorney for the said William Clarke in a cause of Walker against the corporation of Leicester, to advise him on the proceedings in the said cause ; upon which occasion this deponent (meaning himself the said William Clarke) went with the said Wing Ashfield to the house of one *Mr. Crofsley*, also in the said rule mentioned (meaning the said *George Crofsley*) to consult him what steps would be proper to take relative to the further progress of the said cause, and left the papers and proceedings in the said cause with the said Mr. Crofsley (again meaning the said George Crofsley) for his advice thereon, and about a week afterwards (meaning after he the said William Clarke so as aforesaid went with the said Wing Ashfield to the house of the said George Crofsley for the purpose aforesaid) this deponent (again meaning himself

self the said William Clarke) went again with the said Mr. Ashfield (meaning the said Wing Ashfield) to the said Mr. Crowsley's (meaning to *the house* of the said George Crowsley), and at such meeting the said Mr. Crowsley (again meaning the said George Crowsley) produced a paper similar to that produced to this deponent as aforesaid (meaning similar to the said paper produced and shewn to him the said William Clarke in the *said court of our lord the now king before the king himself* as aforesaid), and which (meaning which paper) this deponent (again meaning himself the said William Clarke) hath no doubt is the identical paper mentioned by Mr. Stokes (meaning the said Thomas Stokes) in his said affidavit (meaning the said affidavit of the said Thomas Stokes above-mentioned), and so as aforesaid produced to this deponent (meaning so as aforesaid produced to the said William Clarke in the said court of our lord the now king before the king himself); and the said Mr. Crowsley (meaning the said George Crowsley) then (meaning at the time of the last-mentioned meeting) informed the said Mr. Ashfield (meaning the said Wing Ashfield) and this deponent (meaning himself the said William Clarke) he (meaning the said George Crowsley) found the said paper amongst the papers so left in the said cause: whereas in truth and in fact the said William Clarke, at the time of making his affidavit aforesaid, well knew that the said paper in his said affidavit mentioned to have been produced by the said George Crowsley at the time and on the occasion in the said affidavit of him the said William Clarke in that behalf mentioned, was not the *identical paper* mentioned by the said Thomas Stokes in his affidavit above-mentioned, and which was so as aforesaid produced to the said William Clarke in the said court of our said lord *the king* before the king himself, to wit, at Westminster, in the said county of Middlesex: And the jurors aforesaid, upon their oath aforesaid, do further say, that one of the said letters (copies whereof followed in the said affidavit of the said Thomas Stokes) purports to be a letter from the said William Clarke to the said George Crowsley, dated "Workfop, 6 March 95," and which contains, amongst other things, the matters following, that is to say, "I (meaning himself the said William Clarke) have got you
 " four deed stamps, which are all I can get here. I (meaning
 " himself the said William Clarke) cannot find a sixteen shilling
 " bond stamp, as I promised; they are all on one stamp, and a
 " figure of three upon it, which I (again meaning himself the
 " said William Clarke) think would not do. I (again meaning
 " himself the said William Clarke) shall be going shortly to another place, and will try there, and when got send it you (meaning
 " the said George Crowsley), or an old sheet may be stamped. I
 " (again meaning himself the said William Clarke) have some very
 " choice paper, *forty years* old:" And the jurors aforesaid, upon their oath aforesaid, further say, that the said William Clarke, of Workfop, upon his oath aforesaid, in and by his affidavit aforesaid, did falsely, corruptly, knowingly, wilfully, and wickedly, further
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depose and swear as follows, that is to say, by the expression "I (meaning himself the said William Clarke) have some very choice paper forty years old" (meaning the said expression contained in the above-mentioned letter from him the said William Clarke to the said George Crossley, dated "Workshop, 6 March 95"), this deponent (meaning himself the said William Clarke) meant and alluded to some very curious India paper which (meaning which paper) was made a present of by the late Sir Hugh Palliser, baronet, to this deponent's (meaning the said William Clarke's) wife, who (meaning the wife of the said William Clarke) was his (meaning the said Sir Hugh Palliser's) near relation, and which (meaning which paper) this deponent (meaning himself the said William Clarke) meant would make a handsome chimney-board or fire-screen; and by such expression (meaning the said expression "I have some very choice paper forty years old") this deponent (again meaning himself the said William Clarke) meant such India paper, and no other paper: whereas in truth and in fact by the said expression, "I have some very choice paper forty years old," the said William Clarke did not mean and allude to some very curious India paper which was made a present of by the late Sir Hugh Palliser to the wife of the said William Clarke; and whereas in truth and in fact the said William Clarke did not mean that *the said paper* would make a handsome chimney-board or fire-screen; and whereas in truth and in fact by the said expression, "I have some very choice paper forty years old," the said William Clarke did not mean the said India paper above mentioned to have been given to the wife of the said William Clarke by the said Sir Hugh Palliser: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said William Clarke, on the said thirty-first day of May, in the thirty-sixth year aforesaid, at Westminster aforesaid, in the said county of Middlesex, before the said court of our said lord the king, *before the king himself, the said court then and there having a lawful and competent authority* to administer the said oath to him the said William Clarke, by his own act and consent, and of his own most wicked and corrupt mind, in manner and form aforesaid, in and by his affidavit aforesaid, upon his oath aforesaid, did falsely, wickedly, wilfully, and corruptly, upon his oath so taken as aforesaid, commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

G. WOOD.

Indictment for perjury in answer to interrogatories in chancery.

MIDDLESEX. The jurors of our sovereign lord the king, upon their oath present, that M. E. B. commonly called the Countess of S. on the twentieth day of August, in the twenty-seventh year of the reign of our sovereign lord George the Third, king of Great Britain, &c. did exhibit certain interrogatories in writing

writing in his majesty's high court of chancery (the said court then and still being held at Westminster in the county of Middlesex), in a certain cause then and long before commenced by English bill of complaint, then depending and at issue in the said court of chancery, wherein the said M. E. B. commonly called the countess of S. by W. L. esquire, her next friend, was the complainant, and A. R. B. esquire, H. B. T. G. esquire, W. B. esquire, and G. S. esquire, the defendants, in order that the said interrogatories might be administered according to the course and practice of the said court of chancery to certain witnesses to be produced, sworn, and examined in the said cause, so then depending and at issue on the part and behalf of herself the said M. E. B. the said complainant: And the jurors aforesaid, upon their oath aforesaid, further present, that it became and was made a material question between the said parties in the said cause, to enquire in and by the said interrogatories so exhibited, touching and concerning a certain deed or instrument, certain deeds or instruments, in the complainant's bill in the said cause mentioned, and the time of executing the same; and also touching and concerning a certain marriage before then had and solemnized between the said M. E. B. and the said A. R. B. and touching and concerning the cause and consideration of the said deed or instrument, and whether such deed or instrument was prepared or got ready for execution in contemplation of the said marriage and after the said M. E. B. had consented to such marriage: and it was then and there, in and by the third interrogatory of the said interrogatories so exhibited by the said M. E. B. as aforesaid, set forth in manner and form and to the effect following, that is to say, had the complainant (meaning the said M. E. B.), as you (meaning the said witnesses to be produced, sworn, and examined as aforesaid) know, or for any or what reason believe, at any time before, and how long before her marriage with the defendant (meaning the said A. R. B.) her present husband, and after the death of her first husband, any intention, design, and inclination to intermarry with, or did she (meaning the said M. E. B.) in any and what manner intimate a vow or dislike to any and what persons or person, an intention, design, and inclination to intermarry with any other person, and whom, where, any, and what instructions or directions given by or on the behalf of the complainant (meaning the said M. E. B.) at any time before and how long before her marriage with the defendant (meaning the said A. R. B.) her present husband, to any and what persons or person, for the preparing and getting ready for her execution any and what deeds or instruments, or deed or instrument, for selling, or limiting, or conveying all, or any, and what part of her estates and property, so and in such manner as that she (meaning the said M. E. B.) might have the separate and exclusive use and enjoyment thereof, and of the income arising therefrom, independent of and free from the controul, debts,

Set out the whole interrogatory.

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or intermeddling of any future husband, or of any and what person with whom she (meaning the said M. E. B.), as you (meaning the witnesses to be produced, sworn, and examined as aforesaid) know, or for any and what reason believe, had it in contemplation to intermarry, and were or was such deeds or instruments, or deed or instrument, at any time and when prepared and got ready for her to execute, or how otherwise, as you (meaning the witnesses to be so produced, sworn, and examined as aforesaid) know, or for any and what reason believe, and was it then in her (meaning the said M. E. B.) contemplation to intermarry with any and what person, as you (meaning the said witnesses) know, or for any and what reason believe; and did such person approve of or was he privy to the making, or to the complainant's (meaning the said M. E. B.) intention of making such settlement or not, as you (meaning the said witnesses) know, or for any and what reason believe, were or was such deeds or instruments, or deed or instrument, prepared and got ready for execution in contemplation of her the complainant's (meaning the said M. E. B.) marriage with the defendant (meaning the said A. R. B.) her present husband or not, as you (meaning the said witnesses) know, or for any and what reason believe, how long before her (meaning the said M. E. B.) marriage with her present husband (meaning the said A. R. B.) had she (meaning the said M. E. B.) resolved upon, consented, or agreed to such marriage, as you (meaning the said witnesses) know, or for any and what reason believe. Declare as by the said third interrogatory affiled, &c. remaining of record in the said high court of chancery, at Westminster aforesaid, in the said county of Middlesex, may more fully and at large appear: And the jurors aforesaid, upon their oath aforesaid, further present, that G. W. late of the parish of Greetham, in the county of Rutland, husbandman, who was and is one of the witnesses to whom the said interrogatories in the said cause were to be, and were accordingly administered, afterwards, to wit, on the *twentieth* (1) day of *August* (2) in the *twenty-seventh* (3) year of the reign aforesaid, at the parish of Saint Dunstan in the West, in the said county of Middlesex, came in his own proper person before T. W. esquire, (4) then being one of the masters of the said court of chancery, and having seen the said interrogatory so exhibited in the said court of chancery, then and there, to wit, at the said parish of Saint Dunstan in the West, in the said county of Middlesex, before the said T. W. esquire, so being such master of the said court of chancery, was duly sworn and took his corporal oath on the holy Gospel of God, before the said T. W. esquire (then being one of the masters of the said court of chancery, and then and there, to wit, at the parish last aforesaid, in the said county of Middlesex, having sufficient power and authority to administer an oath in that behalf to the said G. W.); and in and by the said oath the said G. W. on his said oath before the said T. W. esquire

(1) "twenty-fourth."

(2) "January."

(3) "thirty-fourth."

(4) "Edward Leeds."

esquire (the said T. W. esquire, then having such sufficient power and authority in that behalf as aforesaid), did swear, that he the said G. W. would true answer make to all such questions as should be asked him upon those interrogatories at the time of his examination; that he would speak the truth, the whole truth, and nothing but the truth, without favour or affection to the parties: And the jurors aforesaid, upon their oath aforesaid, further present, that the said G. W. late of the parish of Greetham aforesaid, in the said county of Rutland, afterwards, to wit, on the same twentieth day of August, in the twenty-seventh year of the reign aforesaid, was duly examined in the said high court of chancery, at Westminster aforesaid, to wit, at the said parish of Saint Dunstan in the West, in the said county of Middlesex, according to the course and custom of the said high court of chancery, upon the said interrogatories; and that he the said G. W. not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and minding and intending unjustly to aggrieve the said A. R. B. one of the defendants aforesaid, did then and there, to wit, at the parish of Saint Dunstan in the West, in the said county of Middlesex, upon his oath aforesaid, in his answer to the said third interrogatory, knowingly, falsely, wickedly, maliciously, and corruptly, by his own act and consent (amongst other things) answer, swear, and affirm in writing as follows, that is to say, and this deponent (meaning himself the said G. W.) further saith, that he (meaning himself the said G. W.) is well convinced in his own mind the complainant (meaning the said M. E. B.) never had a liking for or an intention to marry her present husband (meaning the said A. R. B.) until the night before she was married, and therefore could not resolve upon a marriage with him (meaning the said A. R. B.); and saith that he (meaning himself the said G. W.) does not recollect or believe that the defendant B. (meaning the said A. R. B.), the complainant's (meaning the said M. E. B.) present husband (meaning the said A. R. B.) ever visited at the complainant's (meaning the said M. E. B.) house more than twice; once he (meaning the said A. R. B.) came to dinner, and once to supper, between the death of the complainant's (meaning the said M. E. B.) first husband and the complainant's (meaning the said M. E. B.) marriage (meaning the marriage of the said M. E. B. with the said A. R. B.); and those visits only appeared to this deponent (meaning himself the said G. W.) to be in a common friendly way as an acquaintance; and that so far from the complainant's (meaning the said M. E. B.) having any liking for the defendant B. (meaning the said A. R. B.) she (meaning the said M. E. B.) seemed rather to dislike him (meaning the said A. R. B.) and his (meaning the said A. R. B.) company; for this deponent (meaning himself the said G. W.) received general orders from the complainant (meaning the said M. E. B.), that whenever the defendant B. (meaning the

said A. R. B. then called Stoney) called at her house (meaning the house of her the said M. E. B.), he (meaning the said A. R. B.) was not be admitted, but the complainant (meaning the said M. E. B.) was always to be denied being at home; and that this deponent (meaning himself the said G. W.), in pursuance of such general order, did deny the complainant's (meaning the said M. E. B.) being at home, when the defendant B. (meaning the said A. R. B.) called, although she (meaning the said M. E. B.) was at home at the same time; and that the complainant (meaning the said M. E. B.) never seemed to have the least liking for or inclination to marry the said defendant B. (meaning the said A. R. B.); nor does this deponent (meaning himself the said G. W.) believe she (meaning the said M. E. B.) ever intended it until the evening of the sixteenth of January 1777, as by the said answer to the said third interrogatory, remaining affixed in the said high court of chancery at Westminster aforesaid, may, amongst other things, more fully appear; whereas in truth and in fact he the said G. W. at the time he took his said oath, and also at the time he was so examined as aforesaid, well knew that the said M. E. B. had had an intention to marry the said A. R. B. her present husband long before, to wit, for the space of two months before the night on which the said M. E. B. was married to the said A. R. B.; and whereas in truth and in fact the said A. R. B. the complainant's present husband, had, between the time of the death of the earl of S. then deceased, the first husband of the said M. E. B. in his lifetime, and the marriage of the said M. E. B. with the said A. R. B. at divers and distinct times, amounting together to a great number, to wit, five hundred times, from time to time visited at the house of the said M. E. B.; and whereas in truth and in fact he the said A. R. B. had dined and supped with the said M. E. B. at the house of the said M. E. B. at various times more than twice, to wit, fifty times between the death of the said first husband of the said M. E. B. and the marriage of the said M. E. B. with the said A. R. B.; and whereas in truth and in fact the said G. W. at the time he took his said oath, and also at the time he was so examined as aforesaid, well knew that the said A. R. B. had from time to time, at divers and distinct times more than twice, to wit, five hundred times, visited the said M. E. B. at the house of the said M. E. B. between the time of the death of the said first husband of the said M. E. B. and her marriage, and had at divers of those times more than twice, to wit, fifty times, dined and supped with the said M. E. B. at her said house; and whereas in truth and in fact the said G. W. did not at any time whatsoever receive general orders or any orders from the said M. E. B. that whenever the said A. R. B. called at her house he was not to be admitted, but that the said M. E. B. was always to be denied being at home; and whereas in truth and in fact the said M. E. B. was not denied being at home to the said A. R. B. when he

the said A. R. B. called at her house, at any time whatsoever when she the said M. E. B. was at home; and whereas in truth and in fact the said G. W. did not deny the said M. E. B. being at home when he the said A. R. B. called, at any time when the said M. E. B. was at home; and whereas in truth and in fact the said A. R. B. was not ever denied to be admitted to the house of the said M. E. B. under pretence that the said M. E. B. was not at home, or under any other pretence whatever, by the order of the said M. E. B.; and whereas in truth and in fact the said M. E. B. did, to the knowledge and observation of the said G. W. long before, to wit, for six weeks next before the sixteenth day of January 1777, seem to have a liking and inclination to marry the said A. R. B.; and whereas in truth and in fact the said G. W. at the time he was so sworn and examined as aforesaid, well knew that the said M. E. B. long before, to wit, for the space of six weeks next before the said sixteenth day of January 1777, had a liking and inclination to marry the said A. R. B.; and whereas in truth and in fact the said M. E. B. did intend to marry the said A. R. B. long before the evening of the sixteenth of January 1777, to wit, for six weeks before the said sixteenth of January 1777; and whereas in truth and in fact the said G. W. at the time he was so sworn, and also at the time he was so examined as aforesaid, well knew that the said M. E. B. did intend to marry the said A. R. B. before the evening of the sixteenth of January 1777: And so the jurors aforesaid, upon their oath aforesaid, say, that the said G. W. on the said twentieth day of August, in the twenty-seventh year of the reign of our lord the now king, at the parish of St. Dunstan in the West aforesaid, in the county of Middlesex aforesaid, before the said T. W. esquire, then being one of the said masters in chancery, and so as aforesaid having such sufficient power and authority to administer the said oath to the said G. W. as aforesaid, knowingly, falsely, wickedly, maliciously, wilfully, and corruptly, in manner and form aforesaid, on his oath aforesaid, in and by his answer to the said third interrogatory, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of our said lord the king and his laws, to the great damage of the said A. R. B. to the evil and pernicious example of all others in the like case offending, and against the peace of our lord the now king, his crown and dignity.

W. FIELDING.

THE CITY OF BRISTOL, AND COUNTY OF THE SAME CITY. The jurors for our sovereign lord the now king, upon their oath present, that before the day of taking this inquisition, to wit, on the eighteenth day of December, in the year of Our Lord 1779, at the parish of Saint James, in the city of Bristol, Indictment for perjury in a cause in the ecclesiastical court for defamation.

You must be
careful as to this
description.

Bristol, and county of the said city, Ruth Sheppard, wife of Francis Sheppard, late of the parish of Saint George, in the county of Gloucester, labourer, not having the fear of God before her eyes, but being moved and seduced by the instigation of the devil, and contriving and maliciously intending to injure one Richard Green, and to avert truth itself, came in her own proper person before J. Camplin, then surrogate of the dean and chapter of Bristol, and did then and there, that is to say, on the day and year aforesaid, at the said parish of Saint James, in the aforesaid city of Bristol, and county of the same city, as a witness in a certain cause or suit, to wit, a cause of defamation, then depending in the episcopal court of Bristol, between one Anne Jones, by the name of Anne Jones, of the parish of Saint George, in the county of Gloucester and diocese of Bristol, widow, against the aforesaid Richard Green, by the name of Richard Green of the parish of Saint James, in the city and diocese of Bristol, clerk, take her corporal oath upon the holy Gospel of God, before the said J. Camplin (the said J. Camplin then and there having full power and authority to administer an oath to the said Ruth Sheppard in that behalf), and then and there, to wit, on the day and year aforesaid, at the said parish of Saint James, in the aforesaid city of Bristol, and county of the same city, by her own act and consent, upon her said oath before the said J. Camplin (the said J. Camplin then and there having such power and authority to administer the said oath to the said Ruth Sheppard as aforesaid,) falsely, wilfully, maliciously, and corruptly, did say, repeat, depose, swear, and make deposition in writing, intituled as followeth, to wit, in the episcopal court of Bristol, Anne Jones, of the parish of Saint George, in the county of Gloucester and diocese of Bristol, widow, against Richard Green, of the parish of Saint James, in the city and diocese of Bristol, clerk, in a cause of defamation; depositions on the libel, and containing therein, amongst other things, as follows, that is to say, to the second article of the said libel (meaning a certain libel or articles of complaint which had been exhibited by the aforesaid Anne Jones against the aforesaid Richard Green, in and to the aforesaid episcopal court of Bristol, in the aforesaid cause or suit of defamation, and in the second article whereof the said Anne Jones had charged and accused the said Richard Green with calling her a whore and otherwise defaming her) this deponent (meaning herself the said Ruth Sheppard) saith, that she (again meaning herself the said Ruth Sheppard) was present at the dwelling-house of the articulate (meaning the aforesaid Anne Jones) in the parish of Saint George, in the county of Gloucester, in the diocese of Bristol, on Monday the twenty-seventh day of September last past (meaning the month of September in the year of Our Lord 1779 aforesaid), when she (meaning herself the said Ruth Sheppard) heard the libellate Richard Green (mean-
ing

ing the said Richard Green hereinbefore-mentioned) abuse the articulate Anne Jones (meaning the said Anne Jones hereinbefore-mentioned) in a very scandalous manner, and call her (meaning the said Anne Jones) a whore several times; and that afterwards on the same twenty-seventh day of September last past (meaning the month of September, in the year 1779 aforesaid), she (meaning herself the said Ruth Sheppard) was in company with the said Anne Jones, in Wade-street, in the parish of Saint Philip and Jacob, in the county of Gloucester and diocese of Bristol, when the libellate (meaning the said Richard Green) took hold of the bridle of the horse on which the articulate Anne Jones was then riding, and again called her a whore several times, as by the said deposition (reference being thereto had) will, amongst other things, fully appear: Whereas in truth and in fact the said Ruth Sheppard was not present at the dwelling-house of the aforesaid Anne Jones, in the parish of Saint George, in the county of Gloucester, in the diocese of Bristol, on Monday the twenty-seventh day of September, in the year 1779 aforesaid, nor did she then hear the aforesaid Richard Green abuse the aforesaid Anne Jones in a very scandalous manner, and call her a whore several times; and whereas in truth and in fact neither the said Richard Green nor the said Ruth Sheppard was present at the dwelling house of the said Anne Jones, in the aforesaid deposition mentioned, on the twenty-seventh day of September 1779, nor did the said Richard Green then or at any other time abuse the aforesaid Anne Jones in a scandalous or any other manner, nor did he then or at any other time whatsoever call her a whore several times in the hearing of the said Ruth Sheppard; and whereas in truth and in fact the aforesaid Richard Green did not on the aforesaid twenty-seventh day of September, in the year 1779 aforesaid, call the aforesaid Anne Jones a whore, or in any other manner whatsoever defame the said Anne Jones, and so the said Ruth Sheppard well knew at the time of her taking her aforesaid oath and making her aforesaid deposition in that respect as aforesaid; and whereas in truth and in fact the aforesaid Ruth Sheppard was not on the aforesaid twenty-seventh day of September 1779 in company with the said Anne Jones in Wade-street, in the parish of Saint Philip and Jacob, in the county of Gloucester and diocese of Bristol, nor did the aforesaid Richard Green take hold of the bridle of the horse of the aforesaid Anne Jones, as in the aforesaid deposition is falsely and corruptly alledged, and again call her a whore several times; and whereas in truth and in fact the said Richard Green did not on the aforesaid twenty-seventh day of September, in the year 1779 aforesaid, take hold of the bridle of the horse of the aforesaid Anne Jones, and call her a whore, as the said Ruth Sheppard hath, in her deposition aforesaid, falsely, wilfully, and corruptly deposed, and so the said Ruth Sheppard well knew at the time of her making her aforesaid deposition in that respect; and whereas in truth and in fact the aforesaid Richard Green did
not

not at any time on the aforesaid twenty-seventh day of September 1779, call the aforesaid Anne Jones a whore: And so the aforesaid jurors, on their aforesaid oath, do say, that the aforesaid Ruth Sheppard, on the said eighteenth day of December, in the year of our Lord 1779 aforesaid, at the said parish of Saint James, in the city of Bristol and county of the same city, before the aforesaid J. Camplin (the said J. Camplin then and there having full power and authority to administer the aforesaid oath to the said Ruth Sheppard in the respect aforesaid), by, of, and through her own act and consent, in manner and form aforesaid, upon her aforesaid oath did falsely, maliciously, wilfully, and corruptly, commit wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of the laws of this realm, to the wicked and evil example of all others in the like case offending, to the subversion of public justice and good government of this kingdom, to the great damage of the aforesaid Richard Green, and against the peace of our lord the now king, his crown and dignity.

V. LAWES.

Indictment for perjury before a committee of the house of commons concerning bribery and treating at the Cricklade election.

MIDDLESEX, to wit. The jurors for our lord the king, upon their oath present, that the borough of Cricklade, in the county of Wilts, is an ancient borough, and for a long space of time two burgesses of the same borough have been elected and sent, and have been used and accustomed, and of right ought to be elected and sent to serve as burgesses for the same borough in the parliament of this kingdom, to wit, at the borough of Cricklade, in the county of Wilts; and that on the seventeenth day of February, in the fifteenth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. an election of an apt and discreet burgess of the said borough to serve as a burgess for the aforesaid borough of Cricklade, in the place of William Earle, esquire, then deceased, in the then parliament of our said lord the now king, came on, to wit, at the borough of Cricklade, in the said county of Wilts, and thereupon one Samuel Peach, esquire, and one John Dewar, esquire, were returned to serve in the said parliament for the said borough of Cricklade: And the jurors aforesaid, upon their oath aforesaid, further present, that afterwards, to wit, on Thursday, the nineteenth day of January, in the fifteenth year of the reign of our said lord the king, the said John Dewar did present a certain petition in writing to the lower house of parliament of our said lord the king, then held at Westminster aforesaid, to wit, in the parish of Saint Margaret, Westminster, in the county of Middlesex, directed to the honourable the commons of Great Britain in parliament assembled, thereby setting forth, among other things, that at the late election of a burgess to serve in parliament for the said borough of Cricklade, in the county of Wilts, in the room of the said William Earle, esquire, deceased, and Samuel Peach, esquire, the petitioner were candidates; and that

that at the said election, which came on the twenty-seventh day of December then last before Thomas Carter, bailiff, and returning officer for the said borough, a great majority of legal votes *was* given for the petitioner, who ought to have been returned accordingly, but the said returning-officer, notwithstanding such majority, had returned the said Samuel Peach and the petitioner, instead of the petitioner alone, to the great injury of the petitioner, and in violation of the rights of the electors of the said borough, and such petition therefore prayed that the said return might be amended by erasing the name of the said Samuel Peach therefrom, and that the said petitioner only might be declared duly elected, or have such other relief as the house should think meet: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, on Thursday, the nineteenth day of January, in the fifteenth year of the reign of our said lord the now king, the said Samuel Peach, esquire, did present a certain petition in writing to the lower house of parliament of our said lord the king, then held at Westminster, in the county of Middlesex, to wit, in the parish of Saint Margaret, Westminster, in the county of Middlesex, directed to the honourable the commons of Great Britain in parliament assembled, thereby setting forth, among other things, that at the late election of a burghers to represent the borough of Cricklade, in the county of Wilts, in parliament, in the room of William Earle, esquire, deceased, the said Samuel Peach, the petitioner, and John Dewar, esquire, were candidates, that the said election came on about eleven of the clock in the forenoon, of the twenty-seventh day of December then last past, and the returning-officer proceeded to take the poll in the church, as the most convenient place for that purpose, and continued the poll till four of the clock of the afternoon of the same day, when only forty-one out of near two thousand persons having a right to vote had given their suffrages; that the poll being adjourned to the same place, and at the hour of nine on the next morning, the petitioner, with his counsel, agents, and a very numerous body of electors who meant to vote for the petitioner, appeared at the church-porch pursuant to the said adjournment; that as the returning-officer and the candidates, together with the electors, were entering the church, in order to proceed to the place of polling, a riot commenced, which obliged the returning-officer immediately to close the poll, and on that account he returned the said John Dewar and the petitioner to represent the said borough in the room of the said William Earle; and that the petitioner, by reason thereof, was prevented from receiving the suffrages of a large majority of the electors for the said borough, and of obtaining a legal right to represent the said borough for the remainder of the then present parliament; that from the time of the decease of the said William Earle unto the close of the poll, the town of Cricklade, by means of the feasts and entertainments daily and constantly given by and at the expence of the said John Dewar

Dewar or his agents to the electors of the said borough, in order to procure their votes for the said John Dewar, was kept in continual riot, tumult, idleness, and dissipation, to the great injury of the inhabitants of the said borough, whereby the morals of the said people were corrupted, and the public peace much disturbed; that by the above and other undue means made use of by the said John Dewar or his agents, and by the conduct of the returning-officer, the sense of the electors at large had not been taken, and the petitioner was thereby much aggrieved; and therefore praying the house to take the premises into consideration, and grant such relief therein as to the house should, upon examination, appear to be just; and such proceedings were thereupon had in the said lower house of parliament, that afterwards, to wit, on the fourteenth day of February, in the fifteenth year aforesaid, in the said lower house of parliament, to wit, at the said parish of Saint Margaret, Westminster, in the said county of Middlesex, George Grenville, esquire, Jervoise Clarke, esquire, Philip Rashleigh, esquire, Francis Annesley, esquire, Noel Hill, esquire, right honourable Thomas Townshend, Richard Wilbraham Bootle, esquire, John Smith, esquire, Sir Cecil Wray, bart. Richard Pennant, esquire, Thomas Lister, esquire, Thomas Edwards Freeman, esquire, Charles Spencer, esquire, commonly called Lord Charles Spencer, *Lord Beauchamp*, and John Bond, esquire, then being members of the said lower house of parliament, were in due manner, according to the statutes in such case made and provided, chosen, nominated, and sworn to be a select committee to try and determine the merits of the said election of the said Samuel Peach, and the said John Dewar, so returned to serve in the said parliament as a *burgess* for the borough of Cricklade: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said, &c. so chosen, nominated, and sworn as aforesaid, afterwards, to wit, on the said fourteenth day of February, in the fifteenth year aforesaid, at a certain place adjacent to the house of commons, the second committee-chamber, situate in the parish of St. Margaret, Westminster, in the county of Middlesex, did in due manner meet to try and determine the matters of the said petition of the said Samuel Peach, and the said John Dewar, so returned to serve in the said parliament for the said borough of Cricklade: And the jurors aforesaid, upon their oath aforesaid, do further present, that John Haynes, late of the borough of Cricklade, in the county of Wilts, victualler, afterwards, that is to say, on the seventeenth day of February, in the fifteenth year aforesaid, at the said parish of Saint Margaret, Westminster, in the said county of Middlesex, did appear as a witness, touching the matters of the said petition before the said select committee (the said select committee being then and there met to try and determine the matters of the said election), and the said John Haynes was then and there duly sworn, and did take his corporal oath upon the holy Gospel of God, before the select committee aforesaid, to speak the truth, the whole truth, and nothing

nothing but the truth of and concerning the aforesaid premises (the select committee aforesaid then and there having competent and sufficient power and authority to administer the said oath to the said John Haynes in that behalf); and the said John Haynes being so sworn as aforesaid, and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and not regarding the laws of this realm, nor the pains and penalties therein contained, but minding and intending to pervert the due course of election of members to serve in parliament, and to subvert the constitution of this realm, on the said seventeenth day of February, in the fifteenth year aforesaid, at the said parish of Saint Margaret, Westminster, in the said county of Middlesex, on his oath aforesaid, falsely, wickedly, maliciously, wilfully, and corruptly did say, depose, swear, and give in evidence to the select committee aforesaid, touching the matters of the said election, in substance and to the effect as followeth, that is to say, that there was *not a farthing* or any money paid to him the said John Haynes *on account of Mr. Dewar and Mr. Peache's election* (meaning the aforesaid election for the borough of Cricklade), *that he could not say how much was due* to him the said John Haynes on that account; that there was not the sum of fifty pounds due to him the said John Haynes on account of such election; that his the said John Hayne's bill never *came to twenty pounds in one day* during such election; that he the said Haynes had not entertained ten or twenty persons at the expence of the said John Dewar; that he the said Haynes *did not furnish any entertainment to any of the town* (meaning any of the inhabitants of the town of Cricklade) *on Mr. Dewar's account* (meaning on the said John Dewar's account); that he the said John Haynes had not paid any money on his the said John Dewar's account; that there never was more than half a dozen people with him the said John Dewar at a time (meaning at any time during the aforesaid election); that he the said John Haynes had not drawn draughts on the said J. Dewar for more than to the amount of fifty pounds; and that such draughts were drawn upon him the said John Dewar, because he the said John Dewar was to lend him the said John Haynes money, and that such draughts were not for treating the voters (meaning the voters at the aforesaid election for the borough of Cricklade); that he the said John Haynes was not employed by young Dewar (meaning the said John Dewar) to furnish any thing for the last election (meaning the said election for the borough of Cricklade); that the voters at such election paid for themselves; that the said John Dewar was not to pay; that he the said John Haynes trusted them (meaning the aforesaid voters at such election for the borough of Cricklade); that he the said John Haynes was never ordered to draw any liquor on the account of the said John Dewar; that he the said John Haynes saw no mob by Dewar (meaning the said John Dewar) during the election time, or be-

fore or after (meaning the aforesaid election for the borough of Cricklade); that he the said John Haynes saw no mob by Dewar's people, nor Dewar's friends, during the time of election, nor before nor after (meaning the time of such election for the borough of Cricklade aforesaid). Whereas in truth and in fact there was money paid to him the said John Haynes on account of the aforesaid election for the borough of Cricklade, in the said county of Wilts; and whereas in truth and in fact he the said John Haynes could say how much was due to him the said John Haynes on that account; and whereas in truth and in fact there was the sum of fifty pounds and more due to him the said John Haynes on account of such election; and whereas in truth and in fact his the said John Haynes's bill did come to twenty pounds and more in one day during such election; and whereas in truth and in fact he the said John Haynes had entertained more than twenty persons at the expence of the said John Dewar; and whereas in truth and in fact he the said John Haynes had furnished entertainment for some of the inhabitants of the town of Cricklade on the said John Dewar's account; and whereas in truth and in fact he the said John Haynes had paid money on his the said John Dewar's account; and whereas in truth and in fact there were more than half a dozen people with him the said John Dewar at a time during the aforesaid election; and whereas in truth and in fact he the said John Haynes had drawn draughts on him the said John Dewar for more than to the amount of fifty pounds; and whereas in truth and in fact such draughts were not drawn upon him the said John Dewar, because he the said John Dewar was to lend him the said John Haynes money, as he the said John Haynes so then and there falsely, wickedly, wilfully, and corruptly swore as aforesaid; and whereas in truth and in fact such draughts were for treating the voters at the aforesaid election for the borough of Cricklade; and whereas in truth and in fact he the said John Haynes was employed by the said John Dewar to furnish many things for the last election for the borough of Cricklade aforesaid; and whereas in truth and in fact the voters at such election did not pay for themselves, nor did he the said John Haynes trust such voters at such election for the borough of Cricklade; and whereas in truth and in fact he the said John Haynes was ordered to draw liquor on account of the said John Dewar; and whereas in truth and in fact he the said John Haynes saw a mob by the said John Dewar in such election time for the borough of Cricklade aforesaid; and whereas in truth and in fact he the said John Haynes saw a mob by Dewar's people and Dewar's friends during the time of such election for the borough of Cricklade aforesaid: And so the jurors aforesaid, upon their oath aforesaid, do say, that the said John Haynes, on the said seventeenth day of February, in the fifteenth year of the reign of our said lord the now king at the parish of Saint Margaret, Westminster, in the said county of Middlesex, before the committee aforesaid, then and there having competent power and authority to administer the aforesaid

saïd oath to the saïd John Haynes in that behalf, by his own act and consent, in manner and form aforesaïd, upon his oath aforesaïd, falsely, wickedly, maliciously, wilfully, and corruptly did commit wilful and corrupt perjury, to the great displeasure of Almighty God, in evil example of all others in the like case offending, against the form of the statute in such case made and provided, and against the peace of our saïd lord the king, his crown and dignity.

RIOTS, RESCUES.

CHESHIRE, to wit. The jurors for our lord the king upon their oath present, that heretofore, to wit, on, &c. in the twenty-seventh year of the reign of our sovereign lord George the Third, at the borough of M. in the county of C. a certain sudden affray arose and happened between one A. B. (the prisoner), late of, &c. and one C. D. (the door-keeper of the playhouse), late of, &c. and in such affray the saïd A. B. then and there, with force and arms, &c. and in disturbance of the peace of our saïd lord the king, did unlawfully, and with great force and violence, cast, sling, and throw a certain great stone at, towards, and against the saïd C. D. and then and there, with the saïd stone, did knock down the saïd C. D. to and upon the ground, to his great bodily harm, and the danger of his life: And the jurors aforesaïd, upon their oath, do further present, that (the serjeants naming them) then and there, and from thence continually at and after the committing the several crimes and offences hereafter mentioned (being respectively constables at and for, and lawfully assigned to keep the peace of our saïd lord the king within the saïd borough), being then and there present, and seeing and observing, upon their own view, the saïd affray, and the saïd A. B. so then and there, with force and arms, &c. breaking and disturbing the peace, and throwing the saïd stone, and misbehaving himself in manner aforesaïd, they the saïd constables naming them), according to the duty of their saïd office as such constables of our saïd lord the king in and for the saïd borough, did then and there immediately arrest and take the saïd A. B. in order to put an end to the saïd affray, and to prevent and restrain him the saïd A. B. from committing any further breach of the peace, and to secure him until he should be carried and conveyed before some of his majesty's justices of the peace in and for the saïd borough to be dealt with according to law for his offence, and then and there had the saïd A. B. in their custody on that occasion; whereupon one S. B. late of, &c. one T. H. late of, &c. and divers other disorderly persons and disturbers of the peace of our saïd lord the king, to the number of twenty and more (to the jurors aforesaïd as yet unknown), with force and arms, &c. at, &c. unlawfully, riotously, and tumultuously assembled and gathered together, and being persons

Indictment at the quarter sessions for rescuing a person who had been apprehended making an affray before the playhouse by two serjeants at mace, constables, &c. and also for assaulting the constables in the execution of their office.

Vide Burn's Justice. Stubbs' Crown Circuit Companion. Hale and Hawkins' Pleas of the Crown, title "Constables."

of turbulent tempers, and of unruly and ungovernable dispositions, and not regarding the laws of this realm, nor fearing the pains and penalties therein contained, and unlawfully and wickedly devising and intending to prevent, hinder, and obstruct the due course of law and justice, and to rescue him the said A. B. from and out of the custody of the said constables (then and there being in the due execution of their office as such constables as aforesaid, and in the peace of God and our said lord the king), did then and there, with force and arms, &c. unlawfully, riotously, and tumultuously make an affray, and assaulted the said constables, and then and there beat, bruised, wounded, and ill-treated them so that their lives were greatly despaired of; and that the said S. B. and T. H. together with the said other disorderly persons, disturbers of the peace of our said lord the king (to the jurors aforesaid as yet unknown), being then and there so assembled and gathered together, with force and arms, &c. him the said A. B. out of the custody and power of the said constables, and against their wills, then and there unlawfully, riotously, and tumultuously, did rescue and set at large to go unpunished for his said offence wheresoever he would, and that the said A. B. being so arrested and taken by the said constables as aforesaid, himself out of the custody and power of the said constables, then and there unlawfully, riotously, and tumultuously did rescue, and did escape and go at large unpunished for his said offence wheresoever he would, to the great damage of the said constables, in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity, &c. (2d Count, for a riot and assault upon the constables. 3d Count, for an assault by the two first rioters upon the constables in the execution of their office. 4th Count, for a common assault on the constables in their private capacity.)

T. BARROW.

As to the validity of this indictment, laid for an assault on two, see 2. Ld. Ray. 1572. and S. C. 2. Stra. 370. where on an indictment for an assault and battery by defendant on J. S. and J. N. and not guilty pleaded, and verdict for the king, judgment was arrested, for that the batteries are distinct offences, and therefore ought to have been the subject of two indictments. *Sed vide*

1. Salk. 384. Queen and Ingram et Uxor. Here being a Count for a rescue, which is one entire and individual offence, it is good to maintain the indictment, because the court who assess the fine will do it on the facts well laid, contrary to the law in a civil action, where entire damages are given on the whole declaration, and some of the Counts bad.

MIDDLESEX, to wit. Some time ago, that is to say, on Tuesday, the tenth day of May, in the twenty-fifth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. at the general session of the peace holden in and for the county of Middlesex, at the session house for the said county, before D. W. J. B. J. L. and G. A. and other their fellow justices of our said lord the king assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed

committed in the said county, by the oaths of twelve jurors, good and lawful men of the county aforesaid, now sworn and charged to enquire for our said lord the king for the body of the same county, it was presented in manner and form following, that is to say: Middlesex, to wit. The jurors for our lord the king upon their oath present, that on, &c. in the twenty-fifth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. J. H. esquire, then one of the justices of the said lord the king assigned to keep the peace in and for the city of Coventry and county of the same name, and also to hear and determine divers felonies, trespasses, and other misdeeds committed within the same, at the city of C. aforesaid, *did* make a certain warrant, under his hand and seal, directed to all constables and other peace officers of the same county, and especially to C. B. for that purpose, thereby requiring them, upon sight thereof, to take and bring before him the said J. H. so being such justice as aforesaid, or some other of his majesty's justices of the peace for the said city and county, the body of W. S. late of, &c. to answer to such matter and things as on his majesty's behalf should be objected against him by J. G. of, &c. especially for detaining, and on strong suspicion of embezzling, or having wilfully disposed of a quantity of unwrought silk intrusted and delivered to him to manufacture and work up for the use of Messrs. S. and Co. silk masters and manufacturers in that city; which said warrant afterwards, to wit, on, &c. at, &c. was delivered to the said C. H. to be executed in due form of law: *And* the jurors aforesaid, upon their oath aforesaid, do further present, that before the execution of the said warrant, to wit, on, &c. the said W. S. did go into and reside and be in a certain place out of the said city of C. and county of the same city, to wit, at the parish of St. L. Shoreditch, in the county of Middlesex: *and* thereupon, and upon proof upon oath of the hand-writing of the said J. H. to the said warrant, to wit, on, &c. at, &c. J. S. esquire, then and still being one of the justices of the said lord the king assigned to keep the peace of our said lord the king in and for the county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdeeds committed in the same county, did then and there make a certain indorsement on the aforesaid warrant, with his name thereunto subscribed, and did then and there direct the same to all constables and other his majesty's officers of the peace whom the same might concern; and by such warrant and indorsement, the said J. S. so being such justice in and for the said county of Middlesex, did order and direct the aforesaid warrant should be executed within the said county, due proof on oath of the hand-writing of the within magistrate (meaning the said J. H.) having that day been made before him the said J. S. and then and there delivered the said warrant so indorsed, to the said C. B. to be executed according to law, *by virtue* of which said warrant and indorsement the said C. B. afterwards, to wit, on, &c. at, &c. did take and arrest the said W. S. according to the command of the said warrant, and then and there had the said W. S. in his lawful care and custody, *by virtue* of which he was taken.

Set forth the indictment.

The warrant.

That the person left the county of C. for Middlesex;

and thereupon the warrant was backed,

by virtue of which he was taken.

of the said warrant and indorsement ; and the said W. S. being so arrested, and in the care and custody of the said C. B. as aforesaid, the said W. S. late of, &c. and J. K. late of, &c. afterwards, to wit, on, &c. with force and arms, &c. at, &c. did make an assault on the said C. B. then and there being in the peace of God and our said lord the king, and then and there lawfully having the said W. S. in his care and custody as aforesaid, and him the said C. B. did then and there beat, bruise, and ill-treat, so that his life was greatly despaired of, and him the said W. S. out of the custody, and against the will of the said C. B. then and there did rescue and set at large whether he would go ; and the said W. S. himself out of the custody and against the will of the said C. B. then and there, with force and arms, &c. unlawfully did rescue and escape at large whether he would go, in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. S. and J. K. afterwards, to wit, on, &c. at, &c. with force and arms, &c. did make an assault upon the said C. B. then and there being in the peace of God and our said lord the king, and him the said C. B. then and there did beat, bruise, wound, and ill treat, so that his life was greatly despaired of, and then and there did other wrongs to the said C. B. to the great damage of the said C. B. and against the peace of our said lord the king, his crown and dignity ; which said indictment our said lord the king afterwards, for certain reasons, caused to be brought before him to be determined according to the laws and customs of England : wherefore the sheriff of the said county of Middlesex is commanded, that he do not forbear by reason of any liberty in his bailiwick, but that he cause to come to answer before our said lord the king touching and concerning the premises aforesaid : *and now*, that is to say, on next after , in this same term, before our said lord the king at Westminster, cometh the said J. K. by A. B. his attorney ; and having heard the said indictment read he saith, that he is not guilty thereof : and thereupon he putteth himself upon the country ; and J. T. esquire, coroner and attorney of our said lord the king in the court of our said lord the king before the king himself, who for our said lord the king in this behalf prosecuteth, doth the like : *therefore* let a jury thereupon come before our said lord the king in fifteen days of Saint Martin, wheresoever he shall then be in England, by whom the truth of the matter may be the better known, and who are not of the kindred of the said J. K. to try upon their oath whether the said J. K. be guilty of the premises aforesaid or not, because as well the said J. T. esquire, who prosecuteth for our said lord the king in this behalf, as the said J. K. have put themselves upon the said jury : *the same* day is given as well to the said J. T. esquire, who prosecuteth for our said lord the king in this behalf as to the said J. K. : *at which* time, to wit, in fifteen days from the day of Saint Martin aforesaid, before our said lord the king at Westminster, come as well the said J. T. esquire, who prosecuteth for

2d Count.
Common assault

Indictment removed to B. R.

Plea, not guilty.

The king's coroner adds the *similiter*.

Award of *venire*.

The same day given to the parties,

at which time the parties come.

for

for our said lord the king in this behalf, as the said J. K. by his attorney aforesaid; and the sheriff of the said county of Middlesex hath returned the names of twelve jurors, none of whom come to try in form aforesaid: *therefore* the sheriff of the said county of Middlesex is commanded that he do not forbear by reason of any liberty in his bailiwick that he distrain the bodies of the jurors aforesaid by all their lands and chattels in his bailiwick, so that they, nor any one of them, do put their hands to the same until he shall have another command from our said lord the king for that purpose; and that he answer to our said lord the king for the issues thereof, so that he may have their bodies before our said lord the king on the octave of Saint Hilary, wheresoever he shall then be in England, or before our right trusty and well-beloved of our said lord the king William earl of Mansfield, chief justice of our said lord the king assigned to hold pleas before the king himself, if he shall come before that time, that is to say, on Tuesday next after the end of the term, at Westminster, in the county of Middlesex, in the great hall of pleas there, according to the form of the statute in such case made and provided, to try upon their oath whether the said J. K. be guilty of the premises aforesaid or not, in default of the jurors aforesaid, who came not to try in form aforesaid: therefore let the sheriff of the said county of Middlesex have the bodies of the jurors aforesaid accordingly, to try in form aforesaid; the same day is given as well to the said J. T. esquire, who prosecuteth for our said lord the king in this behalf, as to the said J. R.

The jurors come.
Distringas issue.

Nisi prius.

SUSSEX, to wit. The jurors for our sovereign lord the king upon their oath present, that F. S. the younger, late of, &c. J. K. late of, &c. and J. M. late of, &c. on, &c. in the twenty-sixth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. with force and arms, &c. at, &c. in, &c. did unlawfully, riotously, and tumultuously assemble and gather together, to disturb the peace of our said lord the king, and being so assembled and gathered together, did then and there unlawfully, riotously, tumultuously, violently, and outrageously make a great noise, disturbance, and affray near to and about the dwelling-house of one J. S. there situate, and did unlawfully, &c. stay and continue near to and about the said dwelling-house of the said J. S. making such their noise, disturbance, and affray for a long space of time, to wit, for the space of two hours, and during that time there did unlawfully, &c. shoot off a certain gun, loaded with gunpowder and leaden shot, at and against the said dwelling-house, and through certain windows parcel thereof; and thereby then and there not only greatly terrified and alarmed the said J. S. and his family, and disturbed and disquieted them in the peaceable and quiet possession, use, and occupation of the said dwelling-house, but also then and there broke to pieces, shattered, and damaged the glass, to wit, twenty panes of glass, of a large value then and there affixed, and belonging to the said windows, and then and there, with loud and horrid oaths and imprecations, unlawfully, &c. menaced and threatened the said J. S. to shoot him through the body, and

Indictment against three for a riot before the house of A. B. and shooting off a loaded gun through his windows, and threatening to shoot him.

other

other wrongs to the said J. S. then and there unlawfully, &c. did, to the great damage of him the said J. S. and against the peace of our lord the now king, his crown and dignity.

Drawn by MR. TIDD.

Indictment for
assaulting the
collector of a rate
assessed for pav-
ing the streets,
and his servant,
and rescuing
goods distrained
for the said rate.

MIDDLESEX. The jurors for our lord the king upon their oath do present, that on the day of , in the year of the reign of our sovereign lord, &c. at, &c. in, &c. J. L. then being collector of a rate or assessment then lately before duly made, laid, and assessed by nine of the commissioners for putting in execution a certain act of parliament made and passed in the year of the reign of our said lord the king, intituled, "An Act for opening certain Passages, and for paving the streets and other places in, &c. and for preventing Annoyances therein," upon all and every person and persons inhabiting, holding, or occupying any land, house, shop, warehouse, cellars, vaults, or other tenements, within the streets or lands comprized in the said act, did lawfully distrain four pewter dishes, of the goods and chattels of one W. G. then and long before being an inhabitant and an occupier of a certain house situate, in, &c. in order to make sale thereof, by virtue of the said act to levy the sum of pounds rated and assessed upon the said W. G. in and by the aforesaid rate or assessment (he the said W. G. then neglecting, refusing, and omitting, and having neglected, refused, and omitted to pay the said sum of pounds, at which he had been so rated and assessed, for the space of ten days after the demand thereof in writing, left by the said J. L. at the dwelling-house and place of abode of the said W. J. in, &c.): And the jurors aforesaid, upon their oath aforesaid, further present, that the said W. J. late of, &c. in, &c. well knowing the premises, but disregarding the said act of parliament and authority of the same, and endeavouring, as much as in him lay, to evade and frustrate the same, and to hinder the due execution thereof by the said J. L. and to prevent his collecting and levying the aforesaid rate and assessment, afterwards, to wit, on, &c. in, &c. with force and arms, at, &c. did make an assault upon the said J. L. the collector aforesaid, then and there being in the peace of God and our said lord the king, and in the due execution of his said office, and then and there lawfully having the care, charge, possession, and custody of the said goods and chattels so distrained as aforesaid, and him the said J. L. did then and there beat and treat so ill, and the said four pewter dishes did then and there forcibly, unlawfully, and injuriously rescue, take, and carry away from and out of the care, charge, custody, and possession of the said J. L. the said sum of pounds, or any part thereof, then and there not being paid and satisfied, and other wrongs to the said J. L. then and there did, to the great damage of the said J. L. in contempt of our said lord the king and his laws, and to the evil example of all others in the like case offending, and against the peace of our said sovereign lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid,

aforesaid, further present, that said W. J. on, &c. in, &c. with force and arms, at, &c. in, &c. did make an assault upon the said J. L. then and there being in the peace of God and our said lord the king, and then and there did beat and ill treat the said J. L. and then and there did other wrongs to the said J. L. to the great damage of the said J. L. and against the peace of our said lord the king, his crown and dignity: And the jurors ^{ad Crunt.} aforesaid, upon their oath aforesaid, further present, that the ^{Assault on the} said W. J. afterwards, to wit, on, &c. with force and arms, at, &c. did make an assault upon one E. O. then and there being the servant of the said J. L. and in the peace of God and our said lord the king, and then and there did beat and ill treat the said E. O. and then and there did other wrongs to the said E. O. to the great damage of the said E. O. and against the peace of our said lord the king, his crown and dignity.

THE Jurors, &c. that defendants, on the fifth day of September, in the seventh year of his present majesty, with force and arms, at Steyning, in the county of Suffex, did unlawfully, riotously, routously, and tumultuously assemble and meet together, to disturb the peace, &c. being so unlawfully, riotously, routously, and tumultuously met together, with force and arms did break and enter the shop of one Joseph French at S. aforesaid, and did then, in the said shop, unlawfully and against the will of the said Joseph, with force and arms, stay and continue in the said shop for a long time, to wit, for the space of four hours, and then and there unlawfully did seize and take into their custody and possession the goods and chattels of the said Joseph, to wit, one deal press, one working-board, one cupboard, one elbow-chair, four other chairs, three irons to hang perukes upon, one iron candle crane, two wig-stands, seven wig-blocks, four wooden boxes, six handboxes, one pair of brass scales and four brass weights, one powder-box, one hone, one tin hone-pan, three pewter basons, one pewter water-pot, three razors, six razor-cases, six pair of scissars, six combs, one pair of snuffers, two cards for carding and drawing of hair, five brushes, seven new perukes, seventeen other perukes, twelve other perukes, ten pounds of hair prepared for making of perukes, three pounds weight of other hair, ten yards of ribbon for making of perukes, one pound weight of thread, one thousand curling-pipes, four wooden shelves, four soap-dishes, and another pewter soap-dish, the goods and chattels of the said Joseph, of the value of fifty pounds, then and there found in the said shop, which said defendants did take, throw, and remove from and out of the said shop, and did throw, put, and lay, and throw and lay down the same into the public street and king's highway, there in the parish, &c. aforesaid, and in so doing did unlawfully break, tear, rend, daub, damage, and spoil the said goods and chattels, and other wrongs did, to the great damage of the said Joseph, and against the peace, &c. :

that defendant, on the said fifth day of September, in the year aforesaid, in the parish and county aforesaid, did unlawfully meet together, and being so met said defendant with force and arms, &c. did break and enter the said shop of the said Joseph, and did stay and continue therein for the space of four hours, during all which time making a great noise, and disturbed the said Joseph in his quiet possession, and other wrongs did, to the great damage of the said Joseph, and against the peace, &c. ; that defendant on the said fifth of September, in the year aforesaid, in the parish and county aforesaid, did unlawfully, &c. break and enter the shop of the said Joseph, and with force, &c. did stay and continue therein other four hours, without the licence and against the will of the said Joseph, and then and there did seize and take in their custody the goods and chattels of the said Joseph, that is to say, one other deal press, &c. (naming the goods over again) of the value of other fifty pounds, and did take, throw, and remove, &c. the said goods and chattels last-mentioned from the said shop, which with so doing with force, &c. did then and there greatly break, tear, rend, daub, damage, and spoil, to the great damage of the said Joseph, and against the peace, &c. ; that defendants, on the said fifth of September, in the year aforesaid, in the parish and county aforesaid, did break and enter the shop of the said Joseph with force, &c. and without the licence and against the will of the said Joseph did stay and continue four hours then next following, and other wrongs did to the said Joseph, to the great damage of the said Joseph, and against the peace, &c.

Indictment for
riot and pulling
down fences.

WORCESTERSHIRE. The jurors for our sovereign lord the king upon their oath present, that Edward Clarke, late of the parish of Ipsley, in the county of Warwick, cordwainer, James Scar, late of the parish of Tardebigg, in the county of Worcester, needlemaker, John Strain, late of the same, bricklayer, Edward Hurst, late of the same, bricklayer, John Wilkinson, late of the same, needlemaker, William Alsop, late of the same, needlemaker, Richard Lewis, late of the same, needlemaker, Joseph Smith, late of the same, cordwainer, Richard Wilks, late of the same, needlemaker, James Pitts, late of the same, needlemaker, and John Seal, late of the parish of Feokenham, in the county of Worcester, besom-maker, together with divers others ill-disposed persons, to the number of one hundred to the jurors aforesaid yet unknown, on the twenty-second day of April, in the twelfth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. with force and arms, at the parish of Tardebigg, in the said county of Worcester, then and there unlawfully, riotously, and routously did assemble and gather together with intent to disturb the peace of our said the lord the king ; and being so then and there unlawfully, riotously, and routously assembled and gathered together, with axes, saws, and other offensive weapons, then and there unlawfully, riotously, routously, and tumultuously did remain

main and continue for a long space of time, to wit, three hours and more, and did then and there with force and arms unlawfully, riotously, and routously pull down, cut in pieces, prostrate, break, and destroy divers wooden posts, rails, and fences, to wit, five hundred wooden posts, fifty wooden gates, five hundred yards of wooden railing, and five hundred yards of fences, then and there set up and erected for the enclosing of certain lands without the parish of Tardibigg aforesaid, in the county aforesaid, and other enormities then and there unlawfully, riotously, and routously did to the great damage of the several proprietors of the aforesaid posts, gates, rails, and fences, and to the great terror and disturbance of divers of his majesty's subjects thereabouts inhabiting and dwelling, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Edward Clark, James, Scar, John Strain, Edward Hurst, John Wilkinson, William Alsop, Richard Lewis, Joseph Smith, Richard Wilks, James Pitts, John Seal, together with divers other evil disposed persons, to the number of one hundred, to the jurors at present unknown, on the day and year aforesaid, at Tardibigg aforesaid, in the county of Worcester aforesaid, with force and arms unlawfully, riotously, and routously did assemble and gather together with intent to disturb the peace of our said lord the king; and being so then and there unlawfully, riotously, routously, and tumultuously, assembled and gathered together, did remain and continue together, so unlawfully, riotously, and routously assembled, for a long space of time, to wit, for the space of three hours and more, and did then and there unlawfully, riotously, routously, and tumultuously, commit divers and many enormities, to the great terror and disturbance of divers of his majesty's subjects thereabouts inhabiting and dwelling, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

J. COWPER.

MIDDLESEX, to wit. The jurors of our lord the king upon their oath present, that R. H. late of, &c. in, &c. J. N. late of, &c. in, &c. and R. A. late of, &c. on, &c. in the year of the reign of our sovereign lord the now king, with force and arms, at the parish aforesaid, in the county aforesaid, in and upon one A. B. then and there in the peace of God and our said lord the king, and being one of the headboroughs of the parish of in the county of , and in the due execution of his said office, and lawfully having the said J. N. in his custody, did make an assault, and him the said A. B. and then and there, to wit, at the parish aforesaid, did beat, bruise, wound, and ill treat, so that his life was greatly despaired of; and the said R. H. and R. A. him the said J. N. on the said day of , in

Indictment for assaulting a headborough and rescuing a person in his custody.

in the said year, with force and arms, at the said parish of , out of the custody of the said A. B. and against his will, did then and there rescue and set at large whither he would go, and the said J. N. himself out of the custody of the said A. B. and against the will of the said A. B. then and there, with force and arms, did rescue and escape at large whither he would go, in contempt of our said lord the king and his laws, to the evil example of all others, and against the peace of our said lord the king, his crown and dignity: *And* the jurors aforesaid, upon their oath aforesaid, do further present, that the said R. H. J. N. and R. A. afterwards, to wit, on, &c. with force and arms, &c. at, &c. in, &c. in and upon the said A. B. then and there being in the peace of God and our said lord the king, and one of the headboroughs of the parish of aforesaid, in the county aforesaid, and in the due execution of his said office, upon him the said A. B. did make an assault, and him the said A. B. did then and there beat, bruise, wound, and ill treat, so that his life was greatly despaired of, and other wrongs did to him the said A. B. then at the parish last-aforesaid, did, to the great damage of the said A. B. and against the peace of our said lord the king, his crown and dignity: *And* the jurors aforesaid, upon their oath aforesaid, do further present, that the said R. H. J. N. and R. A. afterwards, to wit, on &c. with force and arms, at, &c. in and upon the said A. B. in the peace of God and our said lord the king then and there being, did make an assault, and him the said A. B. then and there did beat, bruise, wound and ill-treat, so that his life was thereby greatly despaired of, and other wrongs to the said A. B. then and there did, to the great damage of the said A. B. and against the peace of our said lord the now king, his crown and dignity.

Indictment against a person for assaulting the bailiff, and rescuing goods which he had distrained for the rent of a lodging. MIDDLESEX, to wit. The jurors of our lord the king upon their oath present, that on the day of , in the year of the reign of our sovereign lord the king, and continually afterwards, until the day of , in the year of the reign of our said lord the king, one J. D. did hold of one J. M. a certain lodging room, being part and parcel of a certain messuage, situate in the parish of , in the county of , by demise from the said J. M. at and under the rent of , by the year, payable quarterly; and that on the said day of , in the year aforesaid, the sum of pounds, for one year's rent of the said room, ended on the said day of , in the year aforesaid, became and was due and in arrear from the said J. D. to the said J. M.; whereupon on the day of , in the year aforesaid, at the parish aforesaid, in the county aforesaid, the said J. M. in due form of law, did take, seize, and distrain divers goods and chattels of the said J. D. hereinafter specified and set forth, to the value of pounds, for the said sum of pounds, for rent as aforesaid, so as aforesaid due and in arrear; and

and that one A. B. was by the said J. M. on the said day of , in the year afore said, at the parish afore said, in the county afore said, put in possession of the said goods and chattels, which said goods and chattels so as afore said taken, seized, and distrained, were as follows, to wit, one bed, &c. &c.: And the jurors afore said, upon their oath afore said, do further present, that one J. C. late of, &c. in, &c. together with divers other malefactors, to the jurors afore said as yet unknown, on, &c. with force and arms, &c. at, &c. in and upon the said A. B. in the peace of God and our said lord the king then and there being, did make an assault, and the said goods and chattels so as afore said for the cause afore said taken, seized, and distrained, and then and there being in the custody and possession of the said A. B. from and out of the custody and possession and against the will of the said A. B. unlawfully and injuriously did rescue; and the said A. B. from and out of the custody and possession of the said goods and chattels then and there with force and arms at the parish afore said, in the county afore said, unlawfully, unjustly, and against the will of the said A. B. did force and drive away, the said sum of pounds so due for rent as afore said, or any part thereof, not being then paid or satisfied to the said J. M. and other wrongs to the said J. M. and A. B. then and there did, to the great damage of the said J. M. and A. B. and against the peace of our said lord the king, his crown and dignity: And the jurors afore said, upon their oath afore said, further present, that the said J. C. together with divers other malefactors to the jurors afore said as yet unknown, on the said day of , with force and arms, at the parish afore said, in and upon the said A. B. in the peace of God and our said lord the king then and there being, did make an assault, and of the goods and chattels of the said J. D. then lately before, to wit, on the same day and year above-mentioned, duly and lawfully taken, seized, and distrained by the said J. M. for the sum of forty shillings, then due from the said J. D. to the said J. M. for rent in arrear (the same goods and chattels then being in the custody and possession of the said A. B.), from and out of the possession and against the will of the said A. B. then and there, with force and arms, unlawfully and injuriously did rescue, and the said A. B. from and out of the custody and possession of the said goods and chattels then and there, with force and arms, at the parish afore said, in the county afore said, unlawfully, injuriously, and against the will of the said A. B. did force and drive away, the sum of forty shillings so due for rent as afore said, or any part thereof, not being then paid and satisfied to the said J. M. to the great damage of the said J. M. and against the peace of our said lord the king, his crown and dignity.

CHALLENGING TO FIGHT.

MIDDLESEX, to wit. The jurors of our lord the king upon their oath present, that P. B. late of, &c. in the county of Middlesex, ^{Indictment for a personal challenge to fight a duel.}

in the said year, with force and arms, at the said parish of , out of the custody of the said A. B. and against his will, did then and there rescue and set at large whither he would go, and the said J. N. himself out of the custody of the said A. B. and against the will of the said A. B. then and there, with force and arms, did rescue and escape at large whither he would go, in contempt of our said lord the king and his laws, to the evil example of all others, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said R. H. J. N. and R. A. afterwards, to wit, on, &c. with force and arms, &c. at, &c. in, &c. in and upon the said A. B. then and there being in the peace of God and our said lord the king, and one of the headboroughs of the parish of aforesaid, in the county aforesaid, and in the due execution of his said office, upon him the said A. B. did make an assault, and him the said A. B. did then and there beat, bruise, wound, and ill treat, so that his life was greatly despaired of, and other wrongs did to him the said A. B. then at the parish last-aforesaid, did, to the great damage of the said A. B. and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said R. H. J. N. and R. A. afterwards, to wit, on &c. with force and arms, at, &c. in and upon the said A. B. in the peace of God and our said lord the king then and there being, did make an assault, and him the said A. B. then and there did beat, bruise, wound and ill-treat, so that his life was thereby greatly despaired of, and other wrongs to the said A. B. then and there did, to the great damage of the said A. B. and against the peace of our said lord the now king, his crown and dignity.

Indictment against a person for assaulting the bailiff, and rescuing goods which he had distrained for the rent of a lodger.

MIDDLESEX, to wit. The jurors of our lord the king upon their oath present, that on the day of , in the year of the reign of our sovereign lord the king, and continually afterwards, until the day of , in the year of the reign of our said lord the king, one J. D. did hold of one J. M. a certain lodging room, being part and parcel of a certain messuage, situate in the parish of , in the county of , by demise from the said J. M. at and under the rent of , by the year, payable quarterly; and that on the said day of , in the year aforesaid, the sum of pounds, for one year's rent of the said room, ended on the said day of , in the year aforesaid, became and was due and in arrear from the said J. D. to the said J. M.; whereupon on the day of , in the year aforesaid, at the parish aforesaid, in the county aforesaid, the said J. M. in due form of law, did take, seize, and distrain divers goods and chattels of the said J. D. hereinafter specified and set forth, to the value of pounds, for the said sum of pounds, for rent as aforesaid, so as aforesaid due and in arrear; and

and that one A. B. was by the said J. M. on the said day of , in the year aforesaid, at the parish aforesaid, in the county aforesaid, put in possession of the said goods and chattels, which said goods and chattels so as aforesaid taken, seized, and distrained, were as follows, to wit, one bed, &c. &c.: And the jurors aforesaid, upon their oath aforesaid, do further present, that one J. C. late of, &c. in, &c. together with divers other malefactors, to the jurors aforesaid as yet unknown, on, &c. with force and arms, &c. at, &c. in and upon the said A. B. in the peace of God and our said lord the king then and there being, did make an assault, and the said goods and chattels so as aforesaid for the cause aforesaid taken, seized, and distrained, and then and there being in the custody and possession of the said A. B. from and out of the custody and possession and against the will of the said A. B. unlawfully and injuriously did rescue; and the said A. B. from and out of the custody and possession of the said goods and chattels then and there with force and arms at the parish aforesaid, in the county aforesaid, unlawfully, unjustly, and against the will of the said A. B. did force and drive away, the said sum of pounds so due for rent as aforesaid, or any part thereof, not being then paid or satisfied to the said J. M. and other wrongs to the said J. M. and A. B. then and there did, to the great damage of the said J. M. and A. B. and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, further present, that the said J. C. together with divers other malefactors to the jurors aforesaid as yet unknown, on the said day of , with force and arms, at the parish aforesaid, in and upon the said A. B. in the peace of God and our said lord the king then and there being, did make an assault, and of the goods and chattels of the said J. D. then lately before, to wit, on the same day and year above-mentioned, duly and lawfully taken, seized, and distrained by the said J. M. for the sum of forty shillings, then due from the said J. D. to the said J. M. for rent in arrear (the same goods and chattels then being in the custody and possession of the said A. B.), from and out of the possession and against the will of the said A. B. then and there, with force and arms, unlawfully and injuriously did rescue, and the said A. B. from and out of the custody and possession of the said goods and chattels then and there, with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully, injuriously, and against the will of the said A. B. did force and drive away, the sum of forty shillings so due for rent as aforesaid, or any part thereof, not being then paid and satisfied to the said J. M. to the great damage of the said J. M. and against the peace of our said lord the king, his crown and dignity.

CHALLENGING TO FIGHT.

MIDDLESEX, to wit. The jurors of our lord the king upon their oath present, that P. B. late of, &c. in the county of Middlesex, ^{Indictment for a personal challenge to fight a duel.}

Middlesex, esquire, being a person of an evil mind, and of a turbulent and quarrelsome temper and disposition, and not having any regard for the laws of this realm, most unlawfully, wickedly, and unjustly, and out of malice aforethought devising, contriving, and intending, not only to vex, injure, hurt, disquiet, and terrify G. S. of the parish of, &c. in the county of Middlesex, aforesaid, esquire, being a person of good name, fame, character, credit, and reputation, and of a quiet and peaceable temper and disposition, but also to expose the said G. S. to scandal, shame, and reproach, and to cause, instigate, incite, and provoke the said G. S. to fight a duel with him the said P. B. and thereby to cause the said G. S. to break the peace of our said lord the king, he the said P. B. in order to complete, perfect, and bring to effect his most unlawful and wicked purposes aforesaid, upon the eighth day of March, in the twenty-second year of the reign of our said present sovereign lord George the Third, by the grace of God of Great Britain, &c. with force and arms, at the parish of Saint George's Hanover-square aforesaid, in the county aforesaid, did unlawfully, wickedly, wilfully, maliciously, and openly, and in the presence and hearing of him the said G. S. and without any just cause or provocation whatsoever, but of his malice aforethought, and in a threatening, challenging, and provocative manner tell him the said G. S. that he (meaning the said P. B.) had been told by *Mr. Macnamara (meaning one J. M. of the parish of Saint George Hanover-square, in the county of Middlesex)* that he (meaning the said G. S.) had taken great liberties with the character of him the said P. B. *and upon the said G. S. then and there assuring the said P. B. that such information was not true, he the said P. B. did then and there in a threatening, challenging, and provocative manner as aforesaid, further tell him the said G. S. that he (meaning the said G. S.) must come before the said Mr. M. (again meaning the said J. M.) to contradict it, but on the said G. S. then and there refusing so to do, the said P. B. did then and there in a threatening, challenging, and provocative manner as aforesaid, further tell him the said G. S. that he (meaning himself the said P. B.) would expect personal satisfaction from him (meaning the said G. S.) as soon as the other two affairs of a serious nature, which he (meaning the said G. S.) had then on his hands, were settled (meaning and alluding to two different challenges to fight duels which had been thencefore unlawfully and maliciously sent to the said G. S. by one W. S. and the said J. M.) with a design and intention to instigate, incite, move, and provoke the said G. S. to fight a duel with him the said P. B. as aforesaid, and thereby to cause the said G. S. to break the peace of our said lord the king as aforesaid, and other mischiefs upon him the said G. S. he the said P. B. did then and there with force and arms unlawfully and maliciously bring to the great damage, scandal, and disgrace of him the said G. S. in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and*
also

also against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said P. B. being a person of, &c. and not having any regard for the laws of this realm, most unlawfully, wickedly, and unjustly, and out of his malice aforethought devising, contriving, and intending (as much as in him the said P. B. lay) further to disturb, disquiet, and molest the said G. S. being such person of good name, &c. and a man of a quiet and peaceable temper and disposition as aforesaid, and also further to expose the said G. S. to scandal, shame, and reproach, and to cause, instigate, move, provoke, and incite the said G. S. to fight a duel with him the said P. B. and thereby to cause him the said G. S. to break the peace of our said lord the king as aforesaid, he the said P. B. in order to complete, perfect, and bring to effect his said most unlawful and wicked purposes, afterwards, that is to say, upon the said eighth day of March, in the said twenty-second year of our said the lord the now king, with force and arms, at the parish of Saint George's, Hanover-square aforesaid, in the county of Middlesex aforesaid, did again wickedly, unlawfully, openly, and maliciously, by and in the presence and hearing of him the said G. S. and without any just cause or provocation whatsoever, but of his malice aforethought, and in a threatening, challenging, and provocative manner, speaking to him the said G. S. with these threatening and provocative words following, that is to say, I (meaning himself the said P. B.) have been told, &c. &c. (same as in 1st Count) with a design and intention to instigate, incite, move, and provoke the said G. S. to fight a duel with him the said P. B. as aforesaid, and thereby to cause the said G. S. to break the peace of our said the king as aforesaid, and other mischiefs upon him the said G. S. he the said P. B. did then and there with force and arms unlawfully and maliciously bring, to the great damage, scandal, and disgrace of him the said G. S. in contempt, &c. (3d and 4th Counts like the 1st and 2d. omitting the parts in Italic,) did again wickedly, unlawfully, openly, and maliciously, and in the presence and hearing of him the said G. S. and without any just cause or provocation whatsoever challenge, and as in much as in him the said P. B. lay, endeavour to move, incite, instigate, and provoke him the said G. S. to fight a duel with him the said P. B. and thereby to cause him the said G. S. to break the peace of our said lord the king as aforesaid, and other mischiefs upon him the said G. S. did then and there bring to the great damage, &c. of him the said G. S. in contempt, &c. &c.

MIDDLESEX. The jurors, &c. that George Stacpoole, Indictment for late of, &c. esquire, being a person of quarrelsome and turbulent sending a challenge about temper and disposition, and a disturber of the peace of our said lord the king, on, &c. in the twenty-second year of the reign, money lost at a game called &c. paid dice.

2d Count.

&c. with force and arms, at, &c. in, &c. unlawfully and maliciously did challenge John Macnamara, esquire, a peaceable subject of our said lord the king, to fight him the said J. M. upon account of money then and there won by the said J. M. of the said G. S. by then and there playing at dice with the said G. S. at a certain game called pass dice, to the great damage of the said J. M. in contempt, &c. and against the peace, &c. and also against the form of the statute, &c.; that the said G. S. being such person as aforesaid, afterwards, that is to say, on, &c. in the twenty-second, &c. with force and arms at, &c. in, &c. unlawfully and maliciously did provoke the said J. M. to fight him the said G. S. on account of money then and there won by the said J. M. of the said G. S. by then and there playing at dice with the said G. S. at a certain game called pass dice, to the great damage of, &c. in contempt, &c. and against the peace, &c. and also against the form, &c.; that the said G. S. being such person as aforesaid, afterwards, that is to say, on, &c. in the twenty-second, &c. with force and arms, to wit, with swords and other offensive weapons, at, &c. in, &c. did make an assault upon the said J. M. in the peace of God and our said lord the king, then and there being, and then and there did beat the said J. M. on account of money then and there won of him the said G. S. by then and there playing with this said G. S. at dice *at a certain game called pass dice*, to the great damage, &c. (as before): that the said G. S. being such person as aforesaid, afterwards, that is to say, on, &c. with force and arms, at, &c. in, &c. unlawfully and maliciously did challenge the said J. M. to fight him the said G. S. upon account of money then and there won by the said J. M. of the said G. S. to the great damage, &c. &c. (as before): that the said G. S. being such person as aforesaid, afterwards, that is to say, on, &c. in the twenty-second year, &c. with force and arms, at, &c. in, &c. unlawfully and maliciously did provoke the said J. M. to fight him the said J. M. upon account of money then and there won by the said J. M. of the said G. S. by then and there playing with the said G. S. at dice, to the great damage, &c. (as before.) (6th Count like the 3d. omitting the words in Italic,—“at a certain game called pass dice.”

By statute 9. Anne, c. 14. “for preventing such quarrels as shall and may happen on account of gaming,” it is enacted, “that in case any person or persons whatsoever shall assault and beat, or challenge or provoke to fight any other person or persons whatsoever upon account of any money won by gaming, playing, or betting at any of the games aforesaid, such person and persons assaulting and beating, challenging, or provoking to fight

“such other person or persons upon the account aforesaid, shall, being thereof convicted upon an indictment or information to be exhibited against him or them for that purpose, forfeit to her majesty, her heirs, and successors, all his goods and chattels and personal estate whatsoever, and shall also suffer imprisonment, without bail or mainprize, in the common gaol of the county, where such conviction shall be had, during the term of two years.”

COMPOUND-

COMPOUNDING PENAL ACTIONS.

LONDON, ff. The jurors for our sovereign lord the now king upon their oath present, that heretofore, to wit, on Thursday next, after, &c. in Michaelmas term, in the eighteenth year of the reign of our lord the now king, W. A. S. late of as well for our said lord the king as for himself, impleaded one J. K. in the court of our said lord the king, before the king himself (the said court then and still being held at Westminster), in a certain plea, to wit, a plea of debt on demand for four thousand five hundred and one pounds sixteen shillings of lawful money of Great Britain, that is to say, as due and owing from the said J. K. to our said lord the king, and the said W. A. S. to the damage of the said W. A. S. who sued as aforesaid, of twenty pounds, of and for the committing the several offences furnished to have been committed by the said J. K. against a certain penal law, to wit, a certain act of parliament made in the parliament of our sovereign lord the now king, at a session thereof holden at Westminster, in the county of Middlesex, on the twenty-sixth of October, in the sixteenth year of his reign, entituled, an act (set forth title verbatim) in this, that after the making of the said act (set forth the different offences as charged in the declaration in the original action): And the jurors aforesaid, upon their oath aforesaid, do further present, that the said J. K. afterwards, to wit, in that same Michaelmas term, in the eighteenth year aforesaid, in the said court of our lord the now king, before the king himself (the said court then and still being held at Westminster, in the said county of Middlesex aforesaid), answered to the said W. A. S. who sued as aforesaid in the said plea, by pleading that he the said J. K. did not owe to, &c. (set forth plea and joinder of issue): And the said plea was at the time of the committing of the offence hereafter mentioned, depending and undetermined in the said court of our lord the king, before the king himself (the said court then and still being held at Westminster, in the said county of Middlesex), to wit, at London aforesaid, in, &c.: And the jurors aforesaid, upon their oath aforesaid, do further present, that after the said J. K. had answered the said W. A. S. who sued as aforesaid, in the plea aforesaid, and after issue joined therein between the parties aforesaid, and whilst the said plea was depending and undetermined in the said court of our lord the king, before the king himself, and before taking of this inquisition, to wit, on the twenty-fourth day of July, in the eighteenth year aforesaid, that is to say, at London aforesaid, in, &c. aforesaid, he the said W. A. S. did unlawfully without process of law, and without the order or consent of the said court of our said lord the king, before the king himself, and whilst the said plea was so depending as aforesaid (the said court then and still being held at Westminster, in the county of Middlesex), make composition with the said J. K. and take that is for himself, of and from the said J. K. a certain sum of money, to wit, the sum of *one hundred and seventy-*

seventy-five pounds of lawful money of Great Britain, upon colour and pretence that he the said J. K. had committed the several identical offences herein-before mentioned to have been furnished to have been committed by the said J. K. against the aforesaid penal law, and for which he the said W. A. S. impleaded the said J. K. as aforesaid, to wit, at L. aforesaid, in, &c. in contempt of our said lord the king and his laws, and to the evil example of all others in the like case offending, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity, &c.

2d Count. *Make composition, &c. and take bank notes, to wit, certain notes in writing, commonly called bank notes, for the payment of divers sums of money, in the whole amounting to a large sum of money, to wit, the sum of, &c. of lawful, &c. by the governor and company of the Bank of England, said notes then and there being of a large value, to wit, of the value of one hundred and seventy-five pounds of like lawful money; for the offence for*

3d & 4th Counts *which W. A. S. was prepared to give evidence.*

T. BARROW.

Indictment for
compounding a
qui tam action,
without leave of
court, founded
on the glove act,
for selling gloves
without a
stamp, being
duly licenced.

MIDDLESEX, to wit. The jurors for our lord the king upon their oath present, that after the first day of August, A.D. 1785, to wit, on, &c. A.D. 1788, at the parish of, &c. in the county of Middlesex, A. B. being then and there a retail dealer of gloves, duly licenced in manner in and by the statute in that case made, provided and prescribed, did utter and sell by retail to a certain person (to the jurors aforesaid as yet unknown) one pair of leather gloves above the price and value of ten-pence, and not exceeding the price or value of one shilling and two-pence, for which the said pair of gloves so uttered and sold by retail, there was charged and payable unto and for the use of his majesty, a stamp duty of two-pence, in pursuance of the statute in that case made and provided, without the stamp ticket by the said statute in that case made and provided, directed to be affixed to such gloves, being affixed to the same, and marked and stamped as by the statute in that case made and provided is directed, contrary to the form of the said statute; whereby, and by force of the statute in that case made and provided, the said A. B. forfeited and became liable to pay for such pair of gloves so uttered and sold the sum of twenty pounds, to be recovered as by the statute in that case made and provided is directed, and to be applied, if sued for within the space of six calendar months from the time of such penalty being incurred, one moiety thereof to his majesty, and the other moiety thereof to the person or persons who should inform and sue for the same: And the jurors aforesaid, upon their oath aforesaid, do further present, that after the said first day of August, A.D. 1785, to wit, on, &c. at, &c. in, &c. the said A. B. being then and there such retail dealer in gloves as aforesaid, did utter and sell by retail to a certain other person to the jurors aforesaid unknown,

one

one pair of leather mittens, exceeding the price or value of one shilling and four-pence, to wit, of the price and value of one shilling and eight-pence, for which said pair of mittens so uttered and sold by retail, there was charged and payable unto and for the use of his majesty a stamp duty of three-pence, in pursuance, &c. &c. (as before, say "mittens," instead of "gloves.") And the jurors aforesaid, upon their oath aforesaid, do further present, that after the committing the said several offences, and before the said penalties, or either of them, had been recovered, and within the space of six calendar months from the time of the said penalties being incurred, to wit, on, &c. at, &c. W. K. late of, &c. in, &c. labourer, well knowing the premises, and not regarding the statute in that case made and provided, nor fearing the penalties therein contained, upon colour and pretence of the said several matters of offence against the penal law in that case made and provided, committed by the said A. B. as aforesaid; and without process unlawfully did take, accept, and receive of and from the said A. B. a promise of a certain reward for the use of himself the said W. K. to wit, a certain note in writing, commonly called a promissory note, made by the said A. B. and delivered to the said W. K. and bearing date the said twenty-third day of, &c. by which said note the said A. B. seven days after the date, promised to pay to the said W. K. by the name and description of Mr. W. K. or his order, the sum of eight pounds, for value received; and the said W. K. did thereby then and there, to wit, at the parish of, &c. make composition with the said A. B. for the said several offences so committed by the said A. B. against the penal statute, and did wholly desist and abstain from any prosecution of and for the said offences, and every of them; which said composition so done as aforesaid was then and there, to wit, at the parish of, &c. so done without the order or consent of any of his majesty's courts at Westminster, and without any lawful authority whatsoever, in contempt of our said lord the king and his laws, to the great hindrance and obstruction of justice, to the evil example of all others in the like case offending, contrary to the true intent and meaning of the statute in that case made and provided, and against the peace of our lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. K. not regarding the statute in that case made and provided, nor fearing the pains and penalties therein contained, afterwards, and after the committing of the several offences above mentioned by the said A. B. and within six calendar months from the time of the said penalties being incurred, to wit, on, &c. at, &c. he the said W. K. without process, upon colour and pretence of the said several matters of offence committed by the said A. B. according to the form of the statute in that case made and provided as aforesaid, unlawfully did take, accept, and receive of and from the said A. B. a certain sum of money, to wit, the sum of eight pounds of lawful money of Great Britain, for himself the said W. K. without the order or

consent of any of his majesty's courts at Westminster, and without any lawful authority whatsoever, in contempt of, &c. contrary to, &c. and against the peace of, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that after the first day of, &c. to wit, on, &c. at, &c. in, &c. the said A. B. being then and there such retail dealer in gloves as aforesaid, did utter and sell by retail to a certain person (to the jurors aforesaid as yet unknown), one pair of leather gloves above the value and price of ten-pence, and not exceeding the price or value of one shilling and four-pence, to wit, of the price or value of other one shilling and two-pence, for which said last mentioned pair of gloves so uttered and sold by retail as aforesaid, there was charged and payable unto, &c. in pursuance of, &c. which said last-mentioned gloves then and there, to wit, at, &c. a certain stamp ticket affixed thereto, marked and stamped with a certain mark or stamp of less denomination and value, than by the statute in that case made and provided is directed, to wit, of the denomination and value of one penny, and no more; contrary to the form of, &c. whereby and by force of the statute in that case and provided, the said A. B. forfeited and became liable to pay for such pair of gloves so uttered and sold, the sum of twenty pounds, to be recovered, as, &c. within the space of, &c. one moiety, &c. who should inform and sue for the same: And the jurors aforesaid, upon their oath aforesaid, do further present, that after the said first day of, &c. to wit, on, &c. the said A. B. being then and there such retail dealer of gloves as aforesaid, did utter, &c. to a certain other person, to the jurors aforesaid as yet unknown, one other pair of leather mittens exceeding the price, &c. &c. (same as the last; only, instead of "gloves," say "mittens.") And the jurors aforesaid, upon their oath aforesaid, do further present, that after the committing the said several offences last mentioned, and before the said last mentioned several penalties, or either of them, had been recovered, and within the space of six calendar months, from the time of the said penalties being incurred, to wit, on, &c. at, &c. the said W. K. well knowing the premises, but not regarding, &c. nor fearing, &c. upon colour and pretence of the said last-mentioned matters of offence against the penal law in that case made and provided, committed by the said A. B. as last aforesaid, and without process, unlawfully did take, accept, and receive of and from the said A. B. a promise of a certain other reward for the use of himself the said W. K. to wit, a certain note in writing, commonly called, &c. And the said William Kelly thereby did then and there, to wit, at the parish of, &c. make composition with the said A. B. for the said several offences committed by the said A. B. against the penal statute in that case made and provided as last aforesaid, and did wholly desist and abstain from any prosecution of and for the said last-mentioned offences, and every of them; which said compounding, so done as last aforesaid, was then and there, to wit, at the parish of, &c. so done without the order or consent of, &c. and without any lawful

ful authority whatsoever, in contempt of, &c. to the great hindrance, &c. and against the peace of, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. K. not regarding, &c. nor fearing, &c. afterwards, and after the committing the several offences last above mentioned by the said A. B. and within six calendar months from the time of the said penalties being incurred, to wit, on, &c. at, &c. in, &c. he the said W. K. without process, upon colour and pretence that the said matters of offence committed by the said A. B. against the penal law in that case made and provided, unlawfully did take, accept, and receive of and from the said A. B. a certain sum of money, to wit, the sum of eight pounds of like lawful money, for himself the said W. K. without the order, &c. and without any lawful authority whatsoever, in contempt of, &c. and against the peace of, &c. &c.

W. LOWNDES.

MIDDLESEX, to wit. The jurors for our lord the king, upon their oath present, that heretofore, and after the fifth day of July, which was A. D. 1757, to wit, on, &c. A. D. 1787, at the parish of, &c. in the county of Middlesex, one J. R. then and there not being a person authorised and enabled so to do in the manner in and by the statute in that case made and provided, prescribed, did sell and utter by retail, that is to say by retail measure, in a less quantity than was equal to the measure of the cask or vessel in which the same might lawfully be imported, a certain kind of wine called Lisbon wine, contrary to the form of the statute in that case made and provided, whereby, and by force of the same statute, the said J. R. had forfeited and become liable to pay to our lord the now king, and to him who should inform for the same for his said offence, the sum of one hundred pounds, to be recovered in the manner as by the statute in that case made and provided is directed and to be applied, one moiety thereof to the use of our said lord the king, and the other moiety to him or them who should inform for the same: And the jurors aforesaid, upon their oath aforesaid, do further present, that after the committing the said offence, and before the said penalty or any part thereof had been recovered, and whilst the same was due in arrear, and unpaid, to wit, on, &c. A. D. 1788, at, &c. in, &c. W. K. late of, &c. in, &c. &c. labourer, as well for our said lord the king as for himself, the said W. K. in that behalf sued and prosecuted out of the court of the said lord the king, before the king himself, at Westminster, in the said county of Middlesex, a certain precept of our said lord the king, called a bill of Middlesex against the said J. R. by which said precept the sheriff of Middlesex was commanded to take the said J. R. and John Doe, if they shall be found in his bailiwick, and that he should keep them so, that he might have their bodies before our said lord the king, at Westminster, on next after , to answer to the said W. K. who

Indictment for
compounding a
qui tam action,
without leave of
court, upon the
5th Edm. ch. 5.
for selling Lisbon
wine, contrary to the statute.

sued as well for our said lord the king as for himself, in a plea of debt; and that he then should have there that precept, which said precept was so sued and prosecuted with intent that the said J. R. might be by virtue thereof compelled to appear at the return of the said precept in the said court of our said lord the king, before the king himself, at Westminster aforesaid, at the suit of the said W. K. who sues as aforesaid, and to file common bail in the said court at the suit of the said W. K. who sues as aforesaid, with intent that upon appearance and filing common bail as aforesaid, the said W. K. might as well for our said lord the king as for himself, exhibit his bill against the said J. R. in the said court, in a plea of debt for the recovery of the said one hundred pounds forfeited for the said offence: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. K. well knowing the premises, and not regarding the statute in that case made and provided, and not fearing the penalties therein contained, and after the suing out the said precept, and whilst the said suit so prosecuted as aforesaid was depending in the said court of our said lord the king, before the king himself, and before answer made in court thereto, and before any judgment was had, obtained, and given in the said suit, that is to say, on, &c. at, &c. in, &c. he the said W. K. by colour and pretence of the said precept and process so sued and prosecuted out of the court of, &c. and of the said matter of offence against the penal law in that case made and provided, unlawfully did take, accept, and receive of and from the said J. R. the sum of three pounds thirteen shillings and six-pence of lawful money of Great Britain; and the said W. K. did thereby then and there make composition with the said J. R. for the said offence so committed by the said J. R. against the statute in that case made and provided, and did wholly desist and abstain from any further prosecuting the said suit; which said compounding, so done as aforesaid, was then and there so done without the order or consent of the said court of our said lord the king, before the king himself, in which said court the said suit was then depending, and without the order or consent of any other of his majesty's courts at Westminster, and without any legal authority whatsoever, in contempt of our said lord the king and his laws, to the great hindrance and obstruction of public justice, to the evil example of all others in the like case offending, contrary to the true intent and meaning of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. K. having sued and prosecuted the said precept out of the said court of, &c. and not regarding, &c. nor fearing, &c. and whilst the said suit so prosecuted as aforesaid was depending in the said court, and before answer made in court thereto, and before any judgment was had, obtained, and given in the same suit, that is to say, on, &c. at, &c. in, &c. he the said W. K. by colour and pretence of the said precept and process so sued and prosecuted out of the said court, and of the said matter of offence against the penal law in that case

made and provided, unlawfully did take, accept, and receive of and from the said J. R. the sum of two pounds twelve shillings and six-pence, of lawful money of Great Britain; and the said W. K. thereby did then and there make composition with the said J. R. for the said offence so committed by the said J. R. against the statute in that case made and provided, and did wholly desist and abstain from any further prosecuting the said suit; which said compounding, so done as aforesaid, was then and there so done without, &c. in which said court the said suit was, &c. and without the order or consent of any other of, &c. in contempt of, &c. &c. and against the peace of, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that heretofore, to wit, on, &c. the said W. K. as well for, &c. sued and prosecuted out of the court of, &c. a certain other precept of our said lord the king, called a bill of Middlesex, against the said J. R. by which said last precept the sheriff of Middlesex was commanded to take the said J. R. and John Doe, if they should be found in his bailiwick, and that he should keep them safely so that he might have their bodies before our said lord the king at Westminster, on, &c. next after, &c. to answer the said W. K. who sued as well for our, &c. in a plea of debt, and that he should then have there that precept, which said last-mentioned precept was so sued and prosecuted with intent that the said J. R. might be by virtue thereof compelled to appear at the return of the said last-mentioned precept in the said court of, &c. at Westminster aforesaid, at the suit of the said W. K. who sues as aforesaid, and to affile common bail in the same court at the suit of the said W. K. who sues as aforesaid, and with intent that upon appearance and filing common bail as last aforesaid, the said W. K. might as well for our said lord the king as for himself, proceed in the said suit against the said J. R. according to the course and practice of the said court, for the recovery of a certain penalty and sum of one hundred pounds, alledged to be forfeited by the said J. R. for a certain surmised offence pretended to be committed by the said J. R. for selling wine by retail, without being authorized and enabled so to do in the manner in the statute in that case made and provided, contrary to the form of the statute in that case made and provided: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. K. well knowing the premises, and not regarding the statute in that case made and provided, nor fearing the penalties therein contained, afterwards, and after the suing out of the said last mentioned process, and before the return thereof, that is to say, on, &c. at, &c. in, &c. he the said W. K. by colour and pretence of the said last-mentioned process, and by surmise of the said last mentioned supposed matter of offence against the penal law in that case made and provided, unlawfully did take, accept, and receive of and from the said J. R. the sum of three pounds thirteen shillings and six-pence of like lawful money; and the said W. K. thereby did then and there make composition with the said J. R. for the said surmised offence so pretended to be committed by the said J. R.

against the penal law in that case made and provided, and did wholly desist and abstain from any further prosecution of and upon the said last-mentioned process, which said last-mentioned composition so done as aforesaid was then and there so done without the order or consent of any of his majesty's courts at Westminster, and without any lawful authority whatsoever, in contempt of, &c. to the great hindrance, &c. and against the peace of, &c. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. K. having sued and prosecuted the said last-mentioned process out of the said court of, &c. and not regarding, &c. nor fearing, &c. afterwards, and after suing out the said last-mentioned process, and before the return thereof, that is to say, on, &c. at, &c. in, &c. he the said W. K. by colour and pretence of the said last-mentioned process, and by surmise of the said last-mentioned supposed matter of offence against the penal law in that case made and provided, unlawfully did take, accept, and receive of and from the said J. R. the sum of other two pounds twelve shillings and six-pence of like lawful money; and the said W. K. thereby did then and there make composition with the said J. R. for the said surmised, &c. &c. (as in last Count, to the end.)— And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. K. having caused the said last-mentioned process to be issued against the said J. R. and not regarding, &c. nor fearing, &c. afterwards, that is to say, on, &c. at, &c. in, &c. did unlawfully, by colour and pretence of the said last-mentioned process, take, accept, and receive of and from the said J. R. the sum of three pounds thirteen shillings and six-pence of like lawful money, without the order or consent of, &c. in contempt of, &c. &c. and against the peace of, &c. &c. And the jurors aforesaid, upon, &c. do, &c. (same as last Count, only for two pounds twelve shillings and six-pence.)

T. BARROW,

OPINIONS.

The apparently unwarrantable length of this indictment, may perhaps be thought to require of me my reasons for making it so long.

The 18th Eliz. c. 5. (upon which it is founded) creates three several offences, viz.—1. where there has been an actual offence against any penal laws, for the penalty arising upon which the party indicted has compounded. 2. where an offence is only surmised, and process taken out upon that, and under colour and pretence thereof the penalty compounded for. And, 3d. where the compounding has been for a penalty on an offence real or surmised without process. This latter, if the case had not been sufficiently clear, is regularly divisible into

two heads, to wit, first a compounding for a penalty on an actual offence; and, secondly, a surmised offence, without process; but there seems no occasion for it.

The act likewise makes a distinction between recovering the composition money to the compounder's own use, and to the use of himself and others; and as others are certainly concerned in the offence with W. K. though unknown to us, this has given occasion for another set of counts.

Another fact arising upon the transaction itself viz. receiving 3l. 13s. 6d. and returning 2l. 12s. is the reason why I have added other counts on each particular taking, as it might give rise to a question at the trial, whether the actual taking

taking was of 3l. 13s. 6d. or 2l. 12s. 6d.
THO. BARROW, 22 Oct. 1788.

I am of opinion there is no occasion for more than the 1st, 2d, 3d, 7th, 8th, and 9th counts. It is proper to distinguish between the sums, as advised by Mr. Barrow, and also as to the real and supposed offence: But the person who receives the composition is made liable, whether he receives it to his own use or to the use of others. His receipt is *prima facie* evidence that he received it to his own use, which he cannot repel by shewing he received it

for the use of another; both and each rendering him subject to this indictment. It is therefore not necessary to state to whose use he received it, consequently not necessary to multiply counts for the introduction of that distinction. The 3d and 9th counts I have made the foundation of general counts, as I conceive it to be an offence, under colour of such process, to take money without order of courts, without adding any circumstances relative to the cause of action, further than it is on a penal statute.

W. LOWNDES.

TOWN AND COUNTY OF THE TOWN OF SOUTH-AMPTON, ff. The jurors for our sovereign lord the king upon their oath present, that before the day of taking this inquisition, to wit, on, &c. in the eighteenth year of the reign of our sovereign, &c. now king of Great Britain, &c. C. B. late of, &c. and B. B. late of, &c. with force and arms, at, &c. in, &c. in and upon Winifreda Warne, late of, &c. in the peace of God and our lord the king, then and there being, did make an assault on the said W. W. against her will, he the said C. B. then and there feloniously did ravish and carnally knew her against the form of the statute in such case made and provided: And the jurors aforesaid, on their oath aforesaid, do further present, that the said B. B. did make an assault on the said W. W. against her will, then and there feloniously did ravish and carnally knew her, against the form of, &c. and thereupon the said W. W. afterwards, to wit, on, &c. at, &c. made complaint on oath to R. B. esquire, then and still being one of the justices of our said lord the king assigned to keep the peace of our said lord the king in and for the said town and county and liberties of the same, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said town and county and liberties of the same, touching and concerning the several felonies and rapes aforesaid; and thereupon the said R. B. so being such justice as aforesaid, did then and there make and grant his certain warrant under his hand and seal for the apprehending, taking, and bringing the said C. B. and B. B. before him the said justice to be dealt with according to law, touching and concerning the rapes and felonies aforesaid: And the jurors aforesaid, on their oath aforesaid, do further pretend, that afterwards, to wit, on, &c. at, &c. the said C. B. was under and by virtue of the said warrant taken and arrested by his body for the felony and rape charged to have been by him committed as aforesaid, and was then and there carried and conveyed in custody before the said R. B. so being such justice as aforesaid, and was then and there examined by and before the said justice touching and concerning the rape aforesaid; and thereupon the said R. B. so being such justice as aforesaid, did then and there make and grant a certain other

Indictment charging a rape, for which the person was taken into custody, but that defendants compounded the felony with the woman, and caused the person to escape.

warrant under his hand and seal, directed to the keeper of prison of the said town and county, and thereby command e the said keeper to receive into his custody the body of the said C. B. charged with the felony and rape last mentioned, and him safely keep until he should be discharged by due course of law: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said W. W. intended and then was about to prosecute, prefer, and offer to the grand jury in and for the said town and county of S. at the then next quarter sessions of the peace of our lord the king in and for the said town and county, a certain bill of indictment against the said C. B. for the felony and rape so committed by the said C. B. as aforesaid: And the jurors aforesaid, on their oath aforesaid, do further present, that W. R. late of, &c. and W. S. late of, &c. well knowing the premises, and each of them well knowing the premises, but contriving and intending unlawfully and unjustly to prevent the due course of law in this behalf, and to cause and procure the said C. B. for the felony and rape so by him committed as aforesaid, to escape with impunity and without prosecution for the same, they the said W. R. and W. S. afterwards, to wit, on, &c. at, &c. unlawfully and wickedly did take upon themselves to cause and procure the felony and rape last aforesaid, on the behalf of the said C. B. to be compounded, and did then and there unlawfully and wickedly persuade and procure the said W. W. to accept and take, and the said W. W. did then and there by reason of such persuasion and procurement of the said W. W. and W. S. receive, accept, and take certain money, that is to say, divers pieces of gold coin, to wit, two pieces of gold coin, called guineas, the same being then and there of the value of two pounds two shillings of lawful, &c. that is to say, of and from the said W. R. as and for a reward for compounding the felony and rape aforesaid, to wit, the felony and rape so committed by the said C. B. and for her desisting from the further prosecution of the said C. B. for the rape and felony aforesaid; and that the said W. W. did in consequence of such persuasion and procurement of the said W. R. and W. S. and of the premises aforesaid, then and there, to wit, on, &c. at, &c. compound the felony and rape aforesaid, and hath from thence hitherto desisted from the further prosecution of the said C. B. for the same, to wit, at, &c. to the great hindrance of public justice, to the evil example of all others in the like case offending, in contempt of our said lord the king and his laws, and against the peace of our said lord the king, his crown and dignity: And the jurors, &c. &c. (add a 2d Count, stating the rape to have been committed by C. B. singly; then a 3d Count, not charging the rapes or rape to have been actually committed, but reciting generally by way of inducement that W. W. made her complaint against the two men for rapes, the granting the warrant, apprehension of C. B. and his commitment to prison in consequence of another warrant, and then the general conclusion following): And the jurors aforesaid, upon their oath aforesaid, do further present, that the

2d Count.

3d Count.

the said W. R. and W. S. well knowing the premises, and each of them well knowing the same, but contriving and intending unlawfully and unjustly to pervert the due course of law in this behalf, and to cause and procure the said C. B. for the felony and rape last aforesaid to escape with impunity, afterwards, to wit, on, &c. in, &c. at, &c. unlawfully and wickedly did take upon themselves to procure and persuade the said W. W. on the behalf of the said C. B. to compound the said felony and rape last mentioned, and did then and there unlawfully and wickedly procure the said W. W. to receive, accept, and take; and the said W. W. did then and there by reason of such persuasion and procurement of the said W. R. and W. S. receive, accept, and take certain money, that is to say, divers pieces of gold coin, to wit, two pieces of gold coin called guineas, the same being then and there of the value of two pounds two shillings of lawful, &c. that is to say, of and from the said W. R. as a reward for compounding the rape and felony committed by the said C. B. as last aforesaid, and desisting from all further prosecution against the the said C. B. for the felony and rape last aforesaid, at, &c. to the great hindrance of public justice, and to the evil example of all others in the like case offending, in contempt of our sovereign lord the king and his laws, and against the peace of our lord the king, his crown and dignity.

J. MORGAN.

MIDDLESEX, *ff.* The jurors for our lord the now king upon their oath present, that heretofore, to wit, in Trinity Term, in the twenty-fourth year of the reign of, &c. a certain information in the name of his majesty's then and now attorney-general, Rich. P. Arden, esq. was exhibited for the recovery of a certain penalty, to wit, the penalty of five hundred pounds inflicted by a certain penal law relative to the excise of our said lord the king, to wit, a certain act of parliament made at the parliament of our said lord the king, begun and holden at Westminster, in the county of Middlesex, the twenty-first day of October, A.D. 1780, and in the twenty-first year of his said Majesty's reign, intituled, "An act for the duties payable upon chocolate made in Great Britain, and for granting certain inland duties upon cocoa nuts in lieu thereof, for the better and more effectually securing the revenue of excise, and of the inland duties under the management of the commissioners of the excise, and for preventing frauds therein; for the more punctual and ready payment of the allowance to be made to brewers out of the additional duties imposed on malt; and for rectifying a mistake in an act made in this present session parliament, with respect to the exempting of candles from the additional duty of five pounds *per centum* upon the duties of excise imposed by the said act:" It was upon the information and discovery of J. K. late of, &c. as informer in that behalf, given and made, exhibited, entered, and

Indisment for compounding an information in the exchequer for not having the words upon the door of the house agreeable to the distillers act.

filed

filed in his said majesty's court of exchequer at Westminster aforesaid, against one W. S. and one J. H. and which said penalty of five hundred pounds was in and by the said information so exhibited and filed as aforesaid, alledged to have been forfeited by the said W. S. and J. H. for a certain offence by the said information surmised to have been committed by them the said W. S. and J. H. against the aforesaid penal and excise law, in this, to wit, that they the said W. S. and J. H. being persons who made, distilled, rectified, and compounded British made spirituous liquors for sale, and who sold and dealt in spirituous liquors on, &c. at, &c. did receive and buy for them, or for their use, a large quantity, to wit, twenty gallons of british made spirituous liquors; being at the public sales of such british made spirituous liquors as had been condemned, and were sold under the direction of the commissioners of excise of the said J. R. he the said J. R. then and there being maker, distiller, rectifier, or compounder of spirituous liquors; over the outward door of whose still-house, store-house, warehouse, shop, cellar, vault, or other place by him made use of, the making or keeping of british made spirituous liquors, were there printed the words distiller, rectifier, or compounder of spirituous liquors as the statute in such case made and provided directs, contrary to the form of the statute in that case made and provided: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, on the morrow of All Souls, in the twenty-fourth year aforesaid, in the said court of exchequer at Westminster aforesaid, the said W. S. and J. H. made answer, and pleaded to the said information; and that after the (1) said answer to the said information, and whilst the said information was depending in the said court of exchequer undetermined, and before the taking of this inquisition, to wit, on, &c. in the twenty-fifth year, &c. that is to say, at, &c. he the said J. R. so being such (2) *informer and discoverer, in and upon the said information as aforesaid*, did unlawfully without process, and without the leave or consent of the said court of exchequer, in which the said information was so depending as aforesaid, or of any other of his majesty's courts at Westminster, make composition and agree with the said J. H. and did then and there on that occasion, and for compounding and agreeing the said information, taking for himself of and from the said J. H. a certain sum of money, to wit, the sum of twenty pounds of lawful, &c. under colour and pretence of the said offence (3) *hereinbefore mentioned to have been* surmised to have been committed by the said W. S. and J. H. against the aforesaid penal and excise law, and for which the said information was so exhibited and filed as aforesaid, to wit, at, &c. in contempt of our said lord the king and his laws, to the evil example, &c. and against, &c.: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said J. R. heretofore, to wit, in Trinity term, in the twenty-fourth;

(1) "making of the"

(2) "the person suing for the said last mentioned penalty of five hundred pounds as aforesaid,"

(3) "in the said last mentioned information specified, and thereby"

3d Count.

fourth, &c. did enter and cause and procure to be entered and filed in his majesty's court of exchequer (the said court then and still being held at Westminster, in the county of Middlesex), in the name of his majesty's then and now attorney-general, R. P. A. esquire, a certain other information against the said W. S. and J. H. for the recovery of a certain penalty, to wit, the penalty of five hundred pounds inflicted by a certain penal law relative to the excise of our said lord the king, to wit, a certain act of parliament made at the parliament of our said lord the king, begun and holden at Westminster aforesaid, the twenty-first day of October, A. D. 1780, and in the twenty-first year of his said majesty's reign, intituled, an act, &c. (set out the title as in 1st Count) and which said last mentioned penalty of five hundred pounds was in and by the said last mentioned information surmised to have been committed by them the said W. S. and J. H. against the aforesaid penal or excise law in this, to wit, for that they, &c. (state the charge contained in the information as in 1st Count): And the jurors aforesaid, upon their oath aforesaid, 3d Count. &c. &c. (go on same as 1st Count, omitting what is in Italic, and inserting what is in the margin): And the jurors aforesaid, 4th Count. &c. do further present, that heretofore, to wit, in Trinity term, in the twenty-fourth year aforesaid, a certain other information in the name of his majesty's then and now attorney-general, R. P. A. esquire, for the recovery of a certain other penalty, to wit, the penalty of five hundred pounds inflicted by a certain penal law, &c. intituled, &c. (as before) was upon the information and discovery of the said J. R. as informer and discoverer in that behalf given and made, exhibited, entered, and filed in his said majesty's court of exchequer, at, &c. in, &c. against the said W. S. and J. H. and which said last mentioned penalty of five hundred pounds was in and by the said last mentioned information alledged to have been forfeited by them the said W. S. and J. H. or a certain other offence by the said last mentioned information surmised to have been committed by them the said W. S. and J. H. against the aforesaid penal and excise law, in this, to wit, for that they, &c. (state the charge contained in the information): And the jurors aforesaid, upon their oath aforesaid, &c. &c. 5th Count. (5th Count same as the 1st count, only that he took for the use of himself and one F. C. a certain other sum of money, &c.): And 6th Count. the jurors aforesaid, upon their oath aforesaid, do further present, that the said J. R. heretofore, to wit, in Trinity term, in the twenty-fourth year aforesaid, did enter and cause, and procure to be entered, &c. &c. (as in the 2d Count; only instead of saying "take for himself," say "take for himself, and for and to the use of himself and the aforesaid J. H. and F. C."): And the jurors aforesaid, &c. do further present, that heretofore, to wit, in Trinity term, in the twenty-fourth, &c. a certain other information, in the name of, &c. for the recovery of a certain other penalty, to wit, the penalty of five hundred pounds inflicted by a certain penal law relative to the excise of our said lord the king, to

8th Count.

to wit, a certain act of parliament made, &c. (as before, then say, be the said J. R. so being such informer and discoverer in and upon the said last mentioned information as aforesaid (together with the said J. H. and F. C. did unlawfully without process, and without the order and consent, &c. &c. finish this Count same as the 6th Count): And the jurors aforesaid, upon, &c. do, &c. that the said J. R. together with the aforesaid J. H. and F. C. heretofore, to wit, in Trinity term, in the twenty-fourth, &c. did enter, and cause and procure to be entered and filed in his majesty's court of exchequer (the said court, &c.) in the name of, &c. a certain other information against the said W. S. and J. H. for the recovery of a certain other penalty, to wit, the penalty of five hundred pounds inflicted by a certain penal law relative to the excise of our said lord the king, to wit, a certain act of parliament, &c. (as before) he the said J. R. and the aforesaid J. H. and F. C. so being the persons suing for the said last mentioned penalty of five hundred pounds as aforesaid, did unlawfully without process, &c. &c. (as before) in contempt, &c. to the evil example, &c. and against the peace, &c. &c.

V. LAWES.

CONSTABLES, HEADBOROUGHES, &c.

MIDDLESEX. Be it remembered, that on Monday next, after the morrow of the Ascension of our Lord, in the twenty-eighth year of the reign of our sovereign lord George the Second, king of Great Britain, &c. in the court of our said lord the king, before the king himself at Westminster, in the county of Middlesex, upon the oath of twelve jurors, good and lawful men of the said county of Middlesex, and then and there being sworn and charged to enquire for our said lord the king and the body of the said county, it is presented as followeth, that is to say, Middlesex. The jurors of our sovereign lord the king upon their oath present, that our said sovereign lord the king and his ancestors, from the time whereof the memory of man is not to the contrary, have had and held, and have been accustomed to have and hold a court of view of frank pledge once in every year before the sheriff of the county of Middlesex for the time being, in the town of the said sheriff of M. when made through the hundred of Ossulston in the county of Middlesex, within the month after Easter in every year; and at the same court, when holden, there now is, and from the time whereof the memory of man is not to the contrary, hath been a certain antient and laudable custom there used and approved of, to wit, that certain inhabitants and residents within the said hundred were then and there sworn to charge and enquire of and present those things that belonged to them in that court to present, which said jurors so sworn and charged do also at that court chuse and present, and during all the

Indictment against a constable or headborough for not taking upon him the office, he being elected thereto in form under a custom.

the time aforesaid have chosen and presented, and have been used and accustomed and of right ought to chuse and present two proper persons of the inhabitants and residents of the parish of Saint George the Martyr, within the hundred aforesaid, in the county aforesaid, to be headboroughs within and for the said parish for the year then ensuing, and until other inhabitants and residents of the said parish have been and are chosen and sworn into the said office, for the preserving of the peace of our said lord the king, and for the apprehending of rogues, vagabonds, and other suspicious persons within the said parish, and for the doing of all other matters relating to the said office of headborough; and that from time immemorial aforesaid, there was and is an antient custom used and approved at the said court, that the said persons so chosen and presented should have notice given to them of such their said election, and be summoned to appear in the said court upon such notice and summons, and then and there take their corporal oath for the due execution of their said office and to execute the same: And the jurors aforesaid, now here sworn upon their oath aforesaid, further present, that at a court view of frank pledge of our said lord the king, holden before Samuel Fludyer, esquire, and John Samians, esquire, then and yet sheriffs of the county aforesaid, in the torn of the said sheriffs, through the hundred of Ossulston, in the county aforesaid, within the month after Easter, in the year of Our Lord 1755, to wit, on the first of April, in the twenty-eighth year of the reign of our sovereign lord George the Second, king of Great Britain, &c. to wit, at the parish of Saint Andrew's Holborn, within the hundred of Ossulston aforesaid, in the county aforesaid, William Gardener, William Burrowes (thirty in number), good and lawful men, inhabiting and residing within the hundred aforesaid, were then and there sworn and charged according to the custom of the said court to enquire of and present these things that belonged to them in that court to present; and the same jurors, at the said court so sworn and charged according to the custom of the said court, did chuse and present Michael Duffield, of the parish of Saint George the Martyr aforesaid, in the county aforesaid, yeoman, then being one of the inhabitants and residents within the same last-mentioned parish, to be one of the headboroughs within and for the said last-mentioned parish, and to execute that office for the year then ensuing, and until another inhabitant and resident of the said parish last-mentioned should be chosen and sworn into that office in the place and stead of the said M. D. for the preserving of the peace of our said lord the king, and for the apprehending of rogues, vagabonds, and other suspicious persons within the same parish, and for doing and performing of all matters relating to the said office of headborough (be the said M. D. then and there long before and ever since being an inhabitant and resident within the same parish, and a fit and proper person to execute the said office as aforesaid); and that he the said M. D. after his being so chosen into the said office, to wit, on the same first day of April, in the twenty-

2d Count,
court leet.

twenty-eighth year aforesaid, at the parish of Saint George the Martyr aforesaid, in the county aforesaid, had notice thereof, and by a certain summons in writing was required personally to be and appear in the said court on the said first day of April, in the twenty-eighth year aforesaid, and then and there take his corporal oath for the due execution of the said office, and to execute the same, which summons afterwards, to wit, on the same first day of April, in the year aforesaid, at the parish of Saint George the Martyr aforesaid, in the county aforesaid, was delivered to and left with the said M. D.; nevertheless the said M. D. little regarding his duty in this behalf, but intending and endeavouring the due execution of this said office totally to neglect and omit, after his being so chosen into the said office, and after such notice and summons as aforesaid, to wit, on the said first day of April, in the twenty-eighth year aforesaid, did obstinately refuse to appear in the said court, and to take upon himself the said office, and to take the oath for the execution thereof, and he the said M. D. voluntarily, unlawfully, obstinately, and contemptuously hath hitherto refused and still doth refuse to be sworn into and execute the same office, to wit, at the parish of Saint George the Martyr aforesaid, in the county aforesaid, to the great hindrance and delay of justice, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors now here charged and sworn upon their oath aforesaid, further present, that our said sovereign lord the king and his ancestors, from the time whereof the memory of man is not to the contrary, have had and held, and have been accustomed to have and hold a certain court, called a *court leet*, once in every year, in the torn of the sheriff of the county of Middlesex for the time being, when made through the hundred of Ossulston in the same county, and which said court leet hath been used and accustomed to have been holden in the Workhouse of the parish of Saint Andrew Holborn, in the county aforesaid, *on Tuesday in the week of Easter* in every year, before the steward of the said court for the time being; and at the said last-mentioned court, when holden, there now is, and from time whereof, &c. there hath been a certain antient and laudable custom there used and approved, to wit, that certain of the inhabitants and residents within the said hundred, and then and there sworn and charged to enquire of and present those things that belonged to them to present in that last-mentioned court, which said jurors so sworn and charged do also at that last-mentioned court chuse and present, and during all the time aforesaid have chosen and presented, and have been used and accustomed and of right ought to chuse and present two proper persons of the inhabitants and residents of Saint George the Martyr, within the hundred aforesaid, in the county aforesaid, to be headboroughs within and for the said parish last-mentioned for the year then ensuing, and until other inhabitants and residents of the said last-mentioned parish have been and are chosen and sworn

sworn into the said office, for the preserving the peace of our said lord the king, and for the apprehending of rogues, vagabonds, and other suspicious persons within the said parish, and for the doing and performing of all other matters relating to the said office of headborough; and that from time immemorial aforesaid there was and is an antient custom, used and approved at the said last-mentioned court, and that the persons so chosen and elected should have notice given them of such their said election, and be summoned to appear at the said last-mentioned court, and that the persons so chosen and presented have been used and accustomed during all the time aforesaid, and of right ought personally to be and appear in the said last-mentioned court upon such notice and summons, and then and there take their corporal oath for the due execution of the said office, and to execute the same: And the jurors now here sworn upon their oath aforesaid, that at a certain court-leet of our said lord the king, in the torn of Samuel Fludyer, esquire, and John Semains, esquire, sheriff of the county aforesaid, made through the hundred of Ossulston aforesaid, *within the month after Easter*, to wit, on Tuesday in the week of Easter, being the first day of April, in the twenty-eighth year aforesaid, in the Workhouse of the parish of Saint Andrew Holborn aforesaid, in the county aforesaid, before John Benson, gentleman, steward of the said court-leet, according to the custom and usage aforesaid; William Gardiner, &c. (as before) good and lawful men, inhabiting and residing within the hundred aforesaid, were then and there sworn and charged, according to the custom of the said last-mentioned court, to enquire of and present those things that belonged to them in that last-mentioned court to present; and the said last-mentioned jurors, at the said last-mentioned court so sworn and charged, according to the custom of the said last-mentioned court, did chuse and present M. D. of the parish of Saint George the Martyr aforesaid, in the county aforesaid, yeoman, then being one of the inhabitants and residents within and for the said last-mentioned parish, to be one of the headboroughs within and for the said last-mentioned parish, and to execute the office for the year then ensuing, and until another inhabitant and resident of and within the said parish last-mentioned should be chosen and sworn into that office in the place and stead of the said M. D. for the preserving the peace of our said lord the king, and for the apprehending of rogues, vagabonds, and other suspicious persons within the said last-mentioned parish, and for doing and performing all matters relating to the office of headborough (he the said M. D. then and there and long before and ever since being an inhabitant and resident within the said parish, and a fit and proper person to execute the said office as aforesaid); and the said M. D. after his being so chosen into the said office, to wit, on the same first day of April, in the twenty-eighth year aforesaid, at the parish of Saint George the Martyr aforesaid, in the county aforesaid, had notice thereof, and by a certain summons in writing

3d Count.

ing was required personally to be and appear in the said last-mentioned court on the same first day of April, in the twenty-eighth year aforesaid, and then and there take his corporal oath for the due execution of the said office, and to execute the same, which summons afterwards, to wit, on the first day of April in the year aforesaid, in the parish of Saint George the Martyr aforesaid, in the county aforesaid, was delivered and left with the said M. D.; nevertheless the said M. D. little regarding his duty in this behalf, but intending and endeavouring the due execution of the said office totally to neglect and omit, after his being so chosen into the said office, and after such notice and summons as last aforesaid, to wit, on the said first day of April, in the twenty-eighth year aforesaid, did absolutely refuse to appear in the said last-mentioned court and take upon himself the said last-mentioned office, and to take the oath for the execution thereof; and he the said Michael Duffield voluntarily, unlawfully, obstinately, and contemptuously hath hitherto refused and still doth refuse to be sworn into or execute the said office, to wit, at the parish of Saint George the Martyr aforesaid, in the county aforesaid, to the great hindrance and delay of justice, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, further present, that the said M. D. on the said first day of April, in the twenty-eighth year aforesaid, and long before was and still is a resiant and inhabitant within the parish of Saint George the Martyr aforesaid, in the county aforesaid, and then and there was and still is a fit and proper person to execute the office of one of the headboroughs within the said parish of Saint George the Martyr, and that he the said M. D. at a court of our said lord the king, holden on the first day of April, in the twenty-eighth year aforesaid, before Nathaniel Fludyer, esquire and John Samians, esquire, then and yet sheriff of the county aforesaid, in the torn of the said sheriff in the hundred of Ossulston, in the county aforesaid, in the Workhouse, there he the said M. D. was duly elected and chosen by William Gardiner, &c. good and lawful men of the hundred aforesaid, then and there sworn and charged to enquire of and present those things that belonged to them in that court to present into the office of one of the headboroughs within and for the said parish of Saint George the Martyr, and to execute that office for the year then next ensuing, and until another inhabitant and resident of the same last-mentioned parish should be chosen and sworn into that office in the place and stead of the said M. D.; and that he the said M. D. afterwards, to wit, on the said first day of April in the twenty-eighth year aforesaid, at the parish of Saint George the Martyr aforesaid, in the county aforesaid, had notice thereof, and was then and there required to appear at the said last-mentioned court to take upon himself the said office, and to take the oath for the due execution thereof; nevertheless the said M. D. his duty in this behalf not regarding,
but

but contriving and intending wholly to neglect to serve the said office of headborough, after he was so as last aforesaid elected and chosen into the said office, afterwards, to wit, on the said first day of April, in the year aforesaid, and continually afterwards until the day of taking this inquisition at the parish of Saint George the Martyr aforesaid, in the county aforesaid, unlawfully and contemptuously did refuse, and still doth refuse to take the oath for the due execution of the said office, or in anywise to execute the same, to the great hindrance of justice, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And ^{4th Count.} the jurors aforesaid, now here sworn upon their oaths aforesaid, further present, that the said M. D. on the said first day of April, in the twenty-eighth year aforesaid, and long before, was and yet is a person able and fit to be chosen into the office of one of the headboroughs of the same parish, to execute that office; and that the said M. D. on the same day and year aforesaid, at a certain court-leet of our said lord the king, holden at the parish of Saint Andrew Holborn aforesaid, to wit, in the Workhouse there, before the said John Benton, then and yet steward of the said court, was duly and lawfully chosen to be one of the headboroughs of the said parish of Saint George the Martyr for the year then ensuing, and until another inhabitant and resiant of the same parish was chosen and sworn into that office in the place and stead of the said Michael D. whereof the said M. D. afterwards, to wit, on the same day and year last aforesaid, at the parish of Saint George the Martyr aforesaid, in the county aforesaid, had due notice; nevertheless the same M. D. on the same day and year last aforesaid, and continually afterwards until the day of taking this inquisition at the parish of Saint George the Martyr aforesaid, in the county aforesaid, wilfully, obstinately, and contemptuously did neglect and refuse, and yet doth neglect and refuse to take upon himself the execution of the said office, although duly required so to do, to the great hindrance of justice, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, now here sworn upon their oath ^{5th Count.} aforesaid, further present, that the said M. D. on the said first day of April, in the twenty-eighth year aforesaid, and long before, was and yet is an inhabitant and resiant in the parish of Saint George the Martyr aforesaid, in the county aforesaid, and on the same day and year last aforesaid, and long before was and yet is a person able and fit to be chosen into the office of one of the headboroughs of the same parish, and to execute that office; and that he the said M. D. on the same day and year last aforesaid, at the parish of Saint Andrew, Holborn, aforesaid, in the county aforesaid, was duly and lawfully chosen to be one of the headboroughs of the said parish of Saint George the Martyr for the year ensuing, and until another inhabitant and resiant of the same parish was chosen and sworn into that office in the place and stead of the said M. D. whereof the

said M. D. afterwards, to wit, on the same day and year aforesaid, at the parish of Saint George the Martyr aforesaid, in the county aforesaid, had due notice; nevertheless the said M. D. on the same day and year last aforesaid, and continually afterwards, until the day and year of taking this inquisition at the parish of Saint George the Martyr aforesaid, in the county aforesaid, wilfully, obstinately, and contemptuously did neglect and refuse, and yet doth neglect and refuse to take upon himself the execution of the said office, although duly required so to do, to the great hindrance of justice, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Indictment for refusing to execute the office of overseer for the poor, he having been duly nominated thereto by two justices.

DEVON, to wit. Be it remembered, that at a general quarter sessions of the peace of our lord the king, held at the Castle of Exeter, in and for the county of Devon aforesaid, the sixteenth day of July, in the seventeenth year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, &c. king, defender of the faith, &c. and in the year of Our Lord 1777. before the Reverend George Cooke, clerk, John Barf, Robert Palk, esquires, and others their companions, justices of our said lord the king, assigned to keep the peace of our said lord the king, in and for the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, upon the oath of twelve jurors, good and lawful men of the county aforesaid, then and there returned, sworn, and charged to enquire for our said lord the king and the body of the said county, it was presented as followeth, that is to say: Devon, to wit. The jurors of our sovereign lord the king upon their oath present, that Josiah Hatch, late of the parish of Crediton, in the county aforesaid, sergemaker, on the seventeenth day of April, in the seventeenth year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. and long before was and still is a substantial housekeeper, and residing within the parish aforesaid, in the county aforesaid, and a proper and able person to serve the office of an overseer of the poor of the said parish, and the said J. H. on the said seventeenth day of April, in the year aforesaid, by warrant under the hands and seals of James Carrington, clerk, and John Pine, clerk, two of the justices of our said lord the king, assigned to keep the peace in and for the county of Devon (one of them being of the quorum), was lawfully nominated and appointed one of the overseers of the poor of the said parish for one year then next ensuing, or until another overseer should be appointed in his stead, whereof the said J. H. afterwards, to wit, on the nineteenth day of April, in the year aforesaid, at the parish aforesaid, in the county aforesaid, had due notice; nevertheless the said J. H. his duty in that behalf not regarding, but contriving and intending as much as in him lay to render the said war-

rant of appointment of no effect, from the said nineteenth day of April, in the year aforesaid, and continually afterwards, until the day of the taking of this inquisition at the parish aforesaid, in the county aforesaid, unlawfully, wilfully, obstinately, and contemptuously did refuse, and still doth refuse to take upon himself and execute the said office of overseer of the poor of the said parish of Crediton, contrary to his duty in that behalf, to the great damage of the said parish and parishioners, in manifest contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity, which said indictment our said sovereign lord the king afterwards, for certain reasons, caused to be brought before him to be determined according to the law and custom of England: wherefore the sheriff of the said county of Devon was commanded that he should not forbear, by reason of any liberty in his bailiwick, but that he should cause the said J. H. to come to answer to our said present sovereign lord the king touching and concerning the premises.

And now at this day, on Friday next after the octave of the Holy Trinity, in this said term before our said present sovereign lord the king at Westminster, cometh the said J. H. by A. B. his attorney, and having heard the said indictment read, he saith, that he did not intend that he ought to be impeached or troubled by reason of the premises in the aforesaid indictment specified, because protesting that the said indictment, and the matter therein contained is not sufficient in law, to which he hath no need, nor is bound by the law of the land to answer; for plea, he the said J. H. saith, that by a certain act of parliament, made in the parliament of their late majesties the lord and lady William and Mary, late king and queen of England, begun at W. the thirteenth day of February, in the first year of their said late majesties' reign, intitled, "An Act for exempting their Majesties' Protestant Subjects dissenting from the Church of England from the Penalties of certain Laws;" setting forth, that forasmuch as some ease to scrupulous consciences in the exercise of religion might be an effectual means to unite their said late majesties' protestant subjects in interest and affection, it was and is enacted, among other things, that neither the statute made in the twenty third year of the reign of the then late queen Elizabeth, intitled, "An Act to retain the Queen's Majesty's Subjects in their due Obedience;" nor the statute made in the twenty-ninth year of the said queen, intitled, "An Act for the more speedy and due Execution of the certain Branches of the Statute made in the twenty-third year of the Queen's Majesty's Reign, to wit, the aforesaid Act;" nor that branch or clause of a statute made in the first year of the said queen, intitled, "An Act for the Uniformity of Common Prayer and Service in the Church and Administration of the Sacrament, whereby all Persons having no lawful or reasonable Excuse to be absent, were required to resort to their Parish

Plea, that defendant is a Protestant Dissenter, and a teacher and preacher in pretended holy orders, and pleads his exemption from serving under 1. W. & M.

“ Churches or Chapel, or some usual Place where the Common
 “ Prayer should be used, upon Pain of Punishment by the Cen-
 “ sors of the Church, and also upon Pain that every Person so
 “ offending should forfeit Twelve Pence;” nor the statute made in
 the third year of the reign of the then late king James the First,
 intituled, “ An Act for the better discouraging and repressing
 Papish Recusants;” nor that other act made in the same year,
 intituled, “ An Act to prevent and avoid Danger which may
 “ grow by Papish Recusants;” nor any other law or statute of
 the then realm of England made against papists or papist recu-
 sants, except the statute made in the twenty-fifth year of king
 Charles the Second, intituled, “ An Act for preventing Dangers
 “ which may happen from Papish Recusants,” and except also the
 act made in the thirtieth year of the said late king Charles the
 Second, intituled, “ An Act for the more effectual preserving
 “ the King’s Person and Government, by disabling Papists from
 “ sitting in either House of Parliament,” should be construed to
 extend to any person or persons dissenting from the church of
 England, that should take the oaths mentioned in a statute made
 in that then present parliament of the said king William and
 queen Mary, intituled, “ An Act for removing and preventing
 “ all Questions and Disputes concerning the assembling and sit-
 “ ting of this present Parliament,” and should make and sub-
 scribe the declaration mentioned in a statute made in the thirtieth
 year of the reign of King Charles the Second, intituled, “ An
 “ Act to prevent Papists from sitting in either House of Parlia-
 “ ment,” which oaths and declarations the justices of the peace
 at the general quarter sessions of the peace to be holden for the
 county or place where such persons should live, were by the
 same act intituled, “ An Act for exempting their Majesties’ Sub-
 “ jects, being Protestants, from the Penalties of certain Laws,” re-
 quired to tender and administer to such persons as should offer
 themselves to take, make, and subscribe the same, and thereof to
 keep a register : and it was and is further enacted by the said
 last-mentioned act, “ that no person dissenting from the church
 “ of England, in holy orders, or pretending to holy orders, nor
 “ any preacher or teacher of any congregation of protestant dis-
 “ senters, that should make and subscribe the declaration afore-
 “ said, and take the said oaths at the general quarter sessions of
 “ the peace, to be holden for the county, town, parts, or divi-
 “ sion where such persons should live, which court is thereby
 “ empowered to administer the same, and should also declare
 “ his approbation, and subscribe the articles of religion mentioned
 “ in the statute of the thirteenth year of the reign of the late Queen
 “ Elizabeth, except the thirty-fourth, thirty-fifth, and thirty-
 “ sixth, and these words, in the twentieth article, *viz.* the church
 “ hath power to decree rites and ceremonies and authority in
 “ controversies of faith, &c. should be liable to any of the pains
 “ or penalties mentioned in an act made in the seventh year of
 “ the reign of the late king Charles the Second, intituled, “ An
 “ Act

“ Act for restraining Non-conformists from inhabiting in Cor-
 “ porations,” and the penalties mentioned in the aforesaid act,
 “ made in the twenty-second year of his said late majesty king
 “ Charles the Second, for or by reason of such persons preach-
 “ ing at any meeting for the exercise of religion, nor to a
 “ penalty of one hundred pounds mentioned in a statute made
 “ in the thirteenth and fourteenth of king Charles the Se-
 “ cond, intituled, “ An Act for the Uniformity of public Prayers
 “ and Administration of Sacraments, and other Rites and Cere-
 “ monies,” and for the establishing the form of making, order-
 “ ing, and consecrating of bishops, priests, and deacons in the
 “ church of England for officiating in any congregation for
 “ the exercise of religion permitted and allowed by the same
 “ act, intituled, “ An Act for exempting their Majesty’s Pro-
 “ testant Subjects, dissenting from the Church of England,
 “ from the Penalties of certain Laws.” And it was pro-
 “ vided by the said last-mentioned act, “ that the making and sub-
 “ scribing the said declaration, and the taking the said oaths,
 “ and making the said declaration of approbation and subscription
 “ to the said articles, in manner as aforesaid, by the respective
 “ persons therein-before mentioned, at such general or quarter
 “ sessions of the peace as aforesaid, should be then and there en-
 “ tered of record in the said court, for which sixpence should
 “ be paid to the clerk of the peace and no more, provided that
 “ such person should not any time preach in any place but with
 “ the doors not locked, barred, or bolted.” And by the same act
 it was and is further enacted, “ that every teacher or preacher in
 “ holy orders, or pretended holy orders, that is a minister, teacher,
 “ or preacher of a congregation that should take the oaths therein
 “ required, and make and subscribe the declaration aforesaid, and
 “ also subscribe such of the aforesaid articles of the church of
 “ England as are required by that act, in manner aforesaid,
 “ should be thenceforth exempt from serving upon any jury, or
 “ from being chosen or appointed to bear the office of church-
 “ warden or overseer of the poor, or any other parochial or
 “ ward office, or other office in any hundred of any shire, city,
 “ town, parish, division, or wapentake.” And it was also pro-
 “ vided by the same act, “ that no congregation or assembly for
 “ any religious worship should be permitted or allowed by that
 “ act, until the place of such meeting should be certified to the
 “ bishop of the diocese, or to the archdeacon of that archdea-
 “ conry, or to the justice of the peace at the general or quar-
 “ ter sessions of the peace for the county, city, or place in
 “ which such meeting shall be held, and registered in the
 “ said bishop’s or archbishop’s court respectively, or recorded
 “ at the general or quarter sessions, by the register or clerk of
 “ the peace, who respectively is thereby required to register
 “ the same, and to give certificate thereof to such person as
 “ shall demand the same, as by the said act it more fully
 “ appears.” And the said J. H. further saith, that at the time
 of the nomination and appointment of him the said J. H.

to be overseer of the poor of the said parish of Crediton, in the aforesaid indictment mentioned, he the said J. H. was for the space of six months and more, then last past, and had been, and ever hath been since, and still is a protestant subject of the realm, dissenting from the church of England, and a person of a scrupulous conscience in the exercise of religion, and during all that time hath been a teacher and preacher in pretended holy orders, and a minister, preacher, or teacher of a congregation or assembly for religious worship, among protestant dissenters, from time to time, during all that time allowed and permitted as aforesaid by the said last-mentioned act of parliament. And the said J. H. further saith, that the general quarter sessions of the lord the present king, holden at the Castle of Exeter, in and for the said county of Devon, on the thirteenth day of April, in the fourteenth year of the reign of the said lord the present king, and in the year of Our Lord 1774, before James Carrington, clerk, &c. and others their companions, justices of the peace for the said county of Devon, the house or place of meeting or assembly in which the congregation of religious protestants, dissenting from the church of England, whereof the said J. H. then was, and ever since hath been, and still is the teacher or preacher, was certified to be set apart for the exercise of religious worship by a congregation of dissenters, and a register thereof duly made, and the certificate of the same being so certified to and recorded by the said general quarter sessions, was given by the clerk of the peace, according to the form and effect and true intent and meaning of the said last-mentioned act of parliament; and the said J. H. further saith, that at the general quarter sessions of the peace of the said lord the king, holden at the Castle of Exeter aforesaid, in and for the said county of Devon, on the seventeenth day of July, the sixteenth year of the reign of the said lord the present king, and in the year of Our Lord 1776, before Thomas Taylor, esquire, &c. and others their companions, justices of the peace for the said county of Devon, he the said J. H. then living within the said county of Devon, to wit, in the said parish of Crediton, in his own proper person came there into open court, between the hours of nine and twelve of the clock in the forenoon of the same day, before the justices aforesaid, and offered himself to take the several oaths of allegiance and supremacy mentioned and specified in the said statutes, made in the parliament of their said late majesties the lord and lady William and Mary, late king and queen of England, began at Westminster, the said thirteenth day of February, in the said first year of their said late majesties' reign, intituled, "An Act for removing and preventing all Questions and Disputes concerning the assembling and sitting of that present Parliament," and also to make and subscribe the declaration mentioned and specified in the said statute, made at the said parliament of his said late majesty king Charles the Second, late king of England, begun at Westminster,

Westminster, the said eighth day of May, in the year of Our Lord 1661, and in the thirteenth year of his reign, and by several prorogations and adjournments there continued to the thirtieth day of November, in the thirtieth year of the same late king's reign, intituled, "An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament;" and that the said J. H. being then in open court there as aforesaid, and duly sworn for that purpose before the last-above-named justices of the said lord the present king, the several oaths of allegiance and supremacy were then and there tendered and administered to him by the said justices, and the same oaths were then and there taken before the said justices by the said J. H. and his name was then and there subscribed by him thereto upon the register, on which the same oaths then were and now are written, as by the same register kept by the same justices it fully appears. And that the said J. H. being then in open court there aforesaid, the aforesaid declaration was then and there tendered and administered to him by the same justices, and the same declaration was then and there made by the said J. H. before the same justices, and his name was then and there subscribed by him thereto upon the register, on which the same declaration then was and now is written, as by the same register it fully appears. And also that the said J. H. being then in open court there as aforesaid, he the said J. H. did then and there in open court declare his approbation of, and subscribe the aforesaid articles of religion mentioned in the said statute, made in the thirteenth year of the reign of queen Elizabeth, except the thirty-fourth, thirty-fifth, and thirty-sixth, and the words of the twentieth article, (viz. the church hath power to decree ceremonies, and authority in controversies of faith, &c.) as by the said register, upon which the said declaration and the aforesaid articles (except as before excepted) then were and now are written, it fully appears; and that the making and subscribing the aforesaid declarations, and taking the aforesaid oaths, and subscribing the aforesaid articles (except as before excepted) by the said J. H. in manner aforesaid, at the said last-mentioned general quarter sessions of the peace, holden the said seventeenth day of July, in the said year of Our Lord 1776, were then and there entered of record in the same court in pursuance of the aforesaid act of parliament, intituled, "An Act for exempting their Majesty's Protestant Subjects, dissenting from the Church of England, from Penalties of certain Laws," as by the same record it fully appears. And the said J. H. further saith, that at the same last-mentioned general quarter sessions of the peace, holden at the Castle of Exeter aforesaid, in and for the county of Devon aforesaid, on the same seventeenth day of July, in the year of Our Lord 1776, before the same last-mentioned justices of the said lord the present king, between the hours of nine and twelve of the clock of the same day, he the said J. H. being then in open court there

there as aforesaid, and duly sworn for that purpose before the same justices the three several oaths of allegiance, supremacy, and abjuration, first-mentioned and specified in a certain act of parliament of his late majesty the lord George the First, late king of Great Britain, and begun and holden at Westminster, the seventeenth day of March, in the year of Our Lord 1714, in the first year of the said late king's reign, intitled, "An Act, for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales and his open and secret Abettors," were then and there given and administered to him the said J. H. by the same justices, and the same three last-mentioned oaths were then and there taken by the said J. H. before the same justices, and his name was then and there subscribed by him thereto upon the register, on which the said three last-mentioned oaths then were and now are written, as by the said last-mentioned register, kept for that purpose by the proper officer, to wit, C. G. clerk of the peace of the said county of Devon, it fully appears; and this the said J. H. is ready to verify: Wherefore he prays judgment, whether he ought further to be impeached or troubled by occasion of the premises, &c.

T. DAVENPORT.

Replication, taking issue.

And hereupon Sir James Burrow, knight, coroner and attorney for our present sovereign lord the king, in the court of our said lord the king, before the king himself, for our said lord the king says, that by reason of any thing in the said plea of the said J. H. above pleaded in bar alledged, our said lord the king ought not to be precluded from having and maintaining the said indictment against the said J. H. because protesting that the said plea, and the matter therein contained, are not sufficient in law to bar or preclude our said lord the king from having or maintaining the said indictment against the said J. H. and to which said plea, in manner and form as the same is above made, our said lord the king hath no occasion, nor is under any necessity by the law of the land to answer; yet, for replication in this behalf, the said Sir J. B. for our said lord the king saith, that at the time of the nomination and appointment of him the said J. H. in the aforesaid indictment mentioned to be overseer of the poor of the said parish of Crediton, in the aforesaid indictment mentioned, he the said J. H. was not for the space of time in his said plea mentioned, nor hath been, nor yet is a teacher or preacher in pretended holy orders, and a minister, teacher, or preacher of any congregation or assembly for religious worship amongst protestant dissenters, allowed and permitted as in the said plea mentioned, as by the said plea of the said J. H. is in that behalf supposed: And this the said coroner and attorney of our said lord the king, who for our said lord the king pro-

cutes in this behalf for our said lord the king, prays may be enquired of by the country; and the said J. H. does so likewise:— And the said coroner and attorney of our said lord the king, who for our said lord the king prosecutes in this behalf, for our said lord the king further saith, that the said house or place of meeting or assembling in the said plea mentioned, at the time of the nomination and appointment of him the said J. H. to be overseer of the poor of the said parish of C. was not set apart for the exercise of religious worship by a congregation of protestant dissenters; and thus the said coroner and attorney of our said lord the king prays may be inquired of by the country; and the said J. H. doth so likewise.

F. BULLER.

The plea seems to me to be defective in not stating that the meeting house is set apart for public worship: however, as I think there can be very little doubt but that, upon an issue, the prosecutor

must succeed, it is, in my opinion, more advisable to take issue upon it, than to demur; and therefore have taken two issues, which I think will bring the whole case before the court. F. BULLER.

LANCASHIRE, to wit. The jurors for our sovereign lord the king upon their oath present, that at the general quarter session of the peace of our lord the present king, holden at L. in and for the county of L. on, &c. in the twenty first year of the reign of, &c. before J. F. esquire, and R. F. clerk, and other their fellows justices of our said lord the king assigned to keep the peace in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdeeds committed in the said county, an indictment was found by the jurors then and there impanelled, sworn, and charged to enquire for our said lord the king and the body of the same county, in the following words, *viz.* Lancashire, to wit. The jurors for our lord the king upon their oath present, that from time whereof the memory of man is not to the contrary, there was and yet is a common and ancient king's highway leading from the market-town of S. in the county of York, towards and into the market-town of L. in the county of L. used for all the liege subjects of our said lord the king and of his predecessors, with their horses, carts, and carriages to go, return, pass, ride, and labour, at their will and pleasure; and that a certain part of the said king's highway, situate and being in the township of W. in the county of L. aforesaid, beginning at a place called, &c. and so continued towards the market-town of L. aforesaid to a place called, &c. for the length of one thousand six hundred yards, and being of the breadth of fifteen feet, on, &c. in the twenty-first year of the reign of, &c. and continually afterwards until the day of taking the inquisition, was and is in great decay, for the want of due reparation and amendment and enlargement of the same, so that the liege subjects of our said lord the king passing and travelling through the same, with their horses, carts, and carriages, could not during the time aforesaid, nor yet can go, return, pass, ride, and labour,

Indictment at the quarter sessions of a surveyor of the highways, for not making a rate on all the occupiers of land liable to repairs, to pay for such, according to warrant to him directed.

labour, without great danger and common nuisance of all the liege subjects of our said lord the king passing through the same way, and against the peace of our said lord the king, his crown and dignity; and that the inhabitants of the said township of W. in the said county of L. the common highway (so as aforesaid being in decay) ought and are wont, and from time immemorial have been accustomed, and now ought to repair and amend, when and so often as it shall be necessary: And the jurors aforesaid, upon their oath aforesaid, do further present, that at the general session of the peace holden at L. aforesaid, in and for the county aforesaid, the fifteenth day of, &c. in the twenty-second year of the reign of, &c. before J. F. and W. B. esquires, and other their fellow justices of our said lord the king assigned to, &c. J. C. and T. B. two inhabitants of the township of W. aforesaid, came and personally appeared to the said indictment, and then and there, on behalf of themselves and the rest of the inhabitants of the township of W. aforesaid, submitted to the said indictment, and that thereupon the judgment of the said court was then and there given in the premises, and a fine of eighty pounds was thereby imposed and laid upon the said inhabitants for the said offence in the said indictment specified: And the jurors aforesaid, upon their oath aforesaid, do further present, that at the general quarter session of the peace holden, &c. before J. F. and W. B. esquires, and others, &c. assigned, &c. it was ordered by the same court and justices last above-named, that the said fine so as aforesaid imposed and laid upon the said inhabitants of the township of W. as aforesaid, should be estreated and levied; and the said court did order and direct that the said fine of eighty pounds should be levied upon the said inhabitants, and be paid into the hands of J. C. surveyor of the highways in the township of W. aforesaid, (the said J. C. being then and there a person residing within the said township): and that the said fine so as aforesaid when levied and paid, should be by the said J. C. applied towards the repair, amendment, and enlargement of the same highway: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, on, &c. in the 25th year aforesaid, at, &c. the said fine of eighty pounds was in due manner levied by the said J. C. upon F. K. then and still being one of the inhabitants of the township of W. aforesaid, in pursuance and execution of the said order; and of the said judgment so given as aforesaid: And the jurors aforesaid, upon their oath aforesaid, do further present, that a special sessions for the highways, was, pursuant to the statute in that case made and provided, duly held at the house of A. B. being the sign of the Grapes, in L. within the hundred of L. in the county of L. on, &c. before T. B. and R. F. clerk, two of his said majesty's justices of the peace for the said county within the said hundred, due notice having been first given of the holding of the same session, pursuant to the statute in this behalf; and that the said F. K. did personally appear and make his complaint to the said justices of the peace at the said special sessions of and concerning the levying the said fine upon him

him the said F. K. as aforesaid; and the said last-mentioned justices of the peace, at the said special sessions, did then and there duly issue and make a certain warrant in writing, under their hands and seals, and did thereby order, direct, and appoint, amongst other things, that an equal and sufficient rate, or assessment, upon all and every the occupiers of lands, tenements, woods, tythes, and hereditaments within the said township of W. should be forthwith made by the surveyors of the highways of the said township, for the re-imbursing the said F. K. the said sum of eighty pounds, so levied on him as aforesaid; which said warrant, so made as aforesaid, was afterwards, on, &c. in the township of W. aforesaid, delivered to, and left with the said J. C. then and there being one of the surveyors of the highways in and for the said township of W. to be by him and the other surveyor of the said highways in the township of W. executed in due form of law: And although A. B. who then and there was, and still is, the other surveyor for the township of W. hath always been ready and willing to execute the said warrant on his part, and to join with the said J. C. in making the said rate or assessment as aforesaid, yet the said J. C. late of W. in the said county of L. yeoman, not regarding his duty in this behalf, hath not at any time since the said warrant was so made and delivered to him as aforesaid, made or joined, or assisted in the making, an equal rate or assessment upon all and every the occupiers of lands and tenements, woods, tythes, and hereditaments within the said township of W. for the purpose aforesaid; but, on the contrary thereof, the said J. C. on, &c. and ever since, (then and still being one of the surveyors of the highways in and for the township of W.) at W. aforesaid, unlawfully and contemptuously did neglect and refuse, and hath neglected and refused to make, join, and assist in the making of an equal and sufficient rate or assessment, upon all and every the occupiers of lands, &c. within the township of W. for the purpose aforesaid, as by the said warrant, under the hands and seals of the said last-mentioned justices, at their special sessions aforesaid, he the said J. C. one of the surveyors of the highways for the said township of W. was required to do, in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

OXFORDSHIRE, *ff.* The jurors for our sovereign lord the king, upon their oath present, that on, &c. in the thirtieth year, &c. by the grace of God, &c. and in the year of our lord 1756, James Dashwood and Benjamin Bathurst, esquires, then and yet being two justices of our said lord the king, assigned to keep the peace of our said lord the king in the county of O. and also to hear and determine divers felonies, trespasses, and other misdemeanors committed within the said county, at, &c. in the south division of the hundred of Ploughley, in the said county of O. duly made their certain warrant in writing, under their hands and seals, Indictment against a high constable for not issuing his precept to the petty constables, requiring them to give notice to all victuallers to appear with their licences, in order to have them renewed.

seals, as justices of our said sovereign lord the king assigned to keep the peace in the said county, and also to hear and determine divers felonies, and other misdeeds committed within the said county, directed to the chief constable of the south division of the hundred of P. in the said county, whereby the said justices in his majesty's name commanded the said constable on sight thereof to issue his precepts to all petty constables and tything men within the said chief constable's division, strictly requiring them to give notice to all victuallers and retailers of ale, beer, or other liquors, personally to appear before them the said two justices, and such other of his majesty's justices of the peace of the said county, as should be assembled at the house of Thomas Potter, known by the sign of the King's Arms, at, &c. on, &c. then next, by ten of the clock in the forenoon of the same day, and bring with them respectively their then respective last licences, in order then and there respectively to renew the same, and then and there respectively to enter into recognizances, with two sufficient securities, according to the statute in such case made and provided; and the said chief constable was by the said warrant also required to give notice to the said several petty constables and tything men, that no licence to keep an alehouse would be granted to any person not licensed the year then preceding, unless such person should produce, at the meeting of the said justices, a certificate, under the hands of the parson, vicar, or curate, and the major part of the churchwardens and overseers, or else of three or four reputable and substantial householders and inhabitants of the parish or place where such alehouse was to be, setting forth that such person was of good fame and of sober life and conversation; and that they the said petty constables and tything men should respectively give notice to the said victuallers, alehouse-keepers, and retailers of ale, beer, and other liquors, that at the said justices general meeting for that division for renewing their licences, he the said chief constable would be then and there ready to make return to them the said justices of his the said chief constable's due execution of the said warrant: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said warrant was afterwards, to wit, on, &c. at, &c. within, &c. delivered to one William Rolls, who then and there, and from thence until and on and after the said third day of, &c. next after the said making of the said warrant there, was high constable of the said south division of the said hundred of P. in the said county, to be executed in due form of law; yet that the said W. R. late of, &c. in the said county of O. so being high constable of the said south division of the said hundred of P. in the said county, not regarding his said duty of high constable as aforesaid, did not at any time after the said warrant was so delivered to him as aforesaid, to be executed in form aforesaid, issue out his precepts to all or any of the petty constables, or tything men, within the said high constable's division, according to the form and effect of the said warrant, as he was by the said warrant commanded; but therein, in contempt of the said warrant, he contemptuously and unlawfully wholly failed and made default, contrary to his
duty

duty of his said office of high constable of the said division of the hundred of P. aforesaid, against the form and effect of the said warrant of the said then justices so delivered to him as aforesaid, to the evil example of all others in the like case offending, in contempt of the laws of this realm, and against the peace of our said lord the now king, his crown and dignity.

ESSEX, to wit. The jurors of our sovereign lord the king, upon their oath present, that the parish of West Ham, in the county of Essex, long before and at the time of committing of the offence hereafter mentioned and presented, and from thence hitherto, hath been and still is a great or large parish, and during all the time aforesaid, was and still is divided into three parts or divisions called wards, known by the several and respective names of Church-street Ward, Stratford Ward, and Plaistow Ward, to wit, at the parish aforesaid, in the county aforesaid: And the jurors aforesaid, upon their oath aforesaid, further present, that during all the time aforesaid it hath been usual and customary, yearly, in Easter week, that is to say, on Tuesday, commonly called Easter Tuesday, for the inhabitants of the said parish, assembled in the vestry-room of the said parish, in the parish aforesaid, for the election of parish officers for the parish aforesaid for the ensuing year, to elect and choose out of the inhabitants and residents in the said respective wards, then inhabiting and residing respectively therein, three of the said inhabitants to present two or more justices of the peace in the same county, (whereof one to be of the quorum) dwelling in or near the same parish or division where the same parish doth lie, for three persons respectively, that is to say, one respectively out of such three chosen out of such three respective divisions respectively to be nominated by such justices, under the hands and seal of such justices (according to the tenor of the statute in such case made and provided), to be overseers of the poor of the said parish, that is to say, each of the three persons so respectively to be nominated as aforesaid, to be overseers of the poor of the respective divisions or wards of the said parish wherein they so respectively reside and inhabit for the year ensuing, and to do, and perform, and execute the said office of overseer for the year ensuing; and such persons so elected and nominated respectively, have during all the time aforesaid been accustomed to take on them and execute respectively, and ought to take on them and execute respectively the said office, to wit, at, &c.: And the jurors aforesaid, upon their oath aforesaid, do further present, that one James Manly, late of the parish of West Ham, in the said county of Essex, esquire, and one A. B. of the same parish and county, esquire, and one C. D. of the same parish and county, gentleman, in Easter week, that is to say, on, &c. in the fourteenth year, &c. and long before, were inhabitants, and residing within the parish aforesaid, in the county aforesaid, that is to say, in the division of the said parish called the ward of Stratford, and were able persons, and each and every of them was an able

able person, to serve the office of overseer of the poor of the said division of the said parish, called the ward of Stratford, in the said parish of West Ham, in the said county of Essex; and that they the said J. M. A. B. and C. D. in the said Easter-week, that is to say, on, &c. in the year aforesaid, being Tuesday in Easter-week, in the said year, commonly called Easter Tuesday, at the vestry-room of the said parish there situate, lawfully and in due manner were elected and chosen by, &c. &c. ancient inhabitants of the same parish, and usually present at the election of parish officers for the said parish, for such one of them as should be nominated by two or more justices of the peace in the same county (whereof one to be of the quorum), dwelling in or near the said parish or division where the same parish doth lie, to serve the office of overseer of the poor of the said division of the aforesaid parish of West Ham, in the said county of Essex, called the ward of Stratford, for one year from thence next following, and to do and execute all and singular those things which belong to the office of an overseer of the said poor of the said division of the said parish, called the ward of Stratford; and that afterwards, to wit, at the petit sessions of the peace of our said lord the king, holden at in Ilford, in and for the said county of Essex, on, &c. in the fourteenth year, &c. before A. B. and C. D. esquires (the said, &c. being of the quorum), and others their fellow-justices of our said lord the king assigned to keep the peace in and for the said county of Essex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, the said J. M. was by the (a) justices aforesaid, to wit, by the said A. B. and C. D. (the said being of the quorum, and both the said justices dwelling in or near the same parish, or division where the said parish doth lie, under their hands and seals, duly, and according to the tenor of the statute aforesaid in such case made and provided, nominated to be overseer of the poor of the said division of the said parish called the ward of S. for the year ensuing, in the room and stead of one A. B. the then last overseer of the poor of the said division of the said parish called the ward of S. whereof the said J. M. afterwards, to wit, on, &c. at, &c. had notice; nevertheless the said J. M. his duty in that behalf not regarding, but contriving and intending as much as in him lay to prevent and hinder the due provision for the care of the poor of the said division of the said parish called the ward of S. from, &c. until the day of taking this inquisition, at, &c. in, &c. unlawfully, &c. did refuse to take upon himself and execute the said office of overseer of the poor of the said division of the said parish called the ward of S. in the parish aforesaid, in the county aforesaid, contrary to his duty in that behalf, in contempt of our said lord the king and his laws, and in delay of the provision for, and care of the said poor of the said division of the said parish called the ward of S. in the said parish; to the evil example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity, and against the form of the statute in such case made and provided.

(a) If more than two justices signed and let them also be named in the caption of the session, if agreeable to it.

MIDDLESEX, to wit. The jurors for our sovereign lord the king upon their oath present, that the manor of the Master, Brothers, and Sisters of the hospital of St. Catherine, near the Tower of London, that is to say, in the county of Middlesex, now is, and from time whereof the memory of man is not to the contrary, hath been an ancient manor, and during all the time aforesaid there hath been and still is belonging and appertaining to the said manor, a leet or view of frankpledge, within the limits of the said hospital, and whatsoever belonged to such leet and view of all and singular the tenants, persons dwelling within the bounds and precincts of the said hospital: And the jurors aforesaid, upon their oath aforesaid, do further present, that within the said manor there now is, and from time whereof the memory of man is not to the contrary, there hath been a certain ancient and laudable custom used and approved of therein, that the court of the same leet or view of frankpledge, from time to time, during all the time aforesaid, have, that is to say by the homage thereof, nominated, elected and appointed, and have been used and accustomed to elect, nominate, and appoint; and from time to time, during all the time aforesaid, of right ought to nominate, elect, and appoint fit and able persons, inhabitants and residents within the said manor, to serve and take upon themselves respectively the office of headborough of and for the aforesaid manor, and the precincts and liberties thereof: And the jurors aforesaid, upon their oath aforesaid, do further present, that before the day of taking this inquisition, to wit, on, &c. in the year of Our Lord 1777, William Scholey, late of, &c. in, &c. was an inhabitant and resident within the manor aforesaid, and a fit and able person to take upon himself the office of headborough of and for the same manor, and the precincts and liberties thereof: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, and before the taking this inquisition, to wit, at a court leet or view of frankpledge of our lord the king, holden at the court house within and for the said manor of the Masters, Brothers, and Sisters of the hospital of St. Catherine, near the Tower of London, in the county of Middlesex, at the court house there, on, &c. A. D. 1777, before J. C. gentleman, deputy steward of the said manor, he the said W. C. was lawfully and in due manner appointed, nominated, and elected by the said court (to wit, by the homage there), according to the said custom, into the office of headborough for the said manor and the liberties and precincts thereof, for one year from thence next ensuing, and until another should be duly elected and chosen in his room and place, to do and execute all and singular those things which belong to the office of headborough of and for the said manor and the liberties and precincts thereof; and that the said William Scholey afterwards, to wit, on, &c. in, &c. within the manor aforesaid, to wit, at the precinct of St. C. in the county of Middlesex aforesaid, had notice of such nomination, election and appointment, and was then and there summoned and required to be and appear at a court leet or view

Indictment against a person for refusing to execute the office of headborough, after being duly chosen at a court-leet of a particular manor.

1st Count, d.f. obeying order of court-leet.

of

able person, to serve the office of overseer of the poor of the said division of the said parish, called the ward of Stratford, in the said parish of West Ham, in the said county of Essex; and that they the said J. M. A. B. and C. D. in the said Easter-week, that is to say, on, &c. in the year aforesaid, being Tuesday in Easter-week, in the said year, commonly called Easter Tuesday, at the vestry-room of the said parish there situate, lawfully and in due manner were elected and chosen by, &c. &c. ancient inhabitants of the same parish, and usually present at the election of parish officers for the said parish, for such one of them as should be nominated by two or more justices of the peace in the same county (whereof one to be of the quorum), dwelling in or near the said parish or division where the same parish doth lie, to serve the office of overseer of the poor of the said division of the aforesaid parish of West Ham, in the said county of Essex, called the ward of Stratford, for one year from thence next following, and to do and execute all and singular those things which belong to the office of an overseer of the said poor of the said division of the said parish, called the ward of Stratford; and that afterwards, to wit, at the petit sessions of the peace of our said lord the king, holden at in Ilford, in and for the said county of Essex, on, &c. in the fourteenth year, &c. before A. B. and C. D. esquires (the said, &c. being of the quorum), and others their fellow-justices of our said lord the king assigned to keep the peace in and for the said county of Essex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, the said J. M. was by the (a) justices aforesaid, to wit, by the said A. B. and C. D. (the said being of the quorum, and both the said justices dwelling in or near the same parish, or division where the said parish doth lie, under their hands and seals, duly, and according to the tenor of the statute aforesaid in such case made and provided, nominated to be overseer of the poor of the said division of the said parish called the ward of S. for the year ensuing, in the room and stead of one A. B. the then last overseer of the poor of the said division of the said parish called the ward of S. whereof the said J. M. afterwards, to wit, on, &c. at, &c. had notice; nevertheless the said J. M. his duty in that behalf not regarding, but contriving and intending as much as in him lay to prevent and hinder the due provision for the care of the poor of the said division of the said parish called the ward of S. from, &c. until the day of taking this inquisition, at, &c. in, &c. unlawfully, &c. did refuse to take upon himself and execute the said office of overseer of the poor of the said division of the said parish called the ward of S. in the parish aforesaid, in the county aforesaid, contrary to his duty in that behalf, in contempt of our said lord the king and his laws, and in delay of the provision for, and care of the said poor of the said division of the said parish called the ward of S. in the said parish; to the evil example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity, and against the form of the statute in such case made and provided.

(a) If more than two justices signed and let them also be named in the caption of the session, if agreeable to it.

MIDDLESEX, to wit. The jurors for our sovereign lord the king upon their oath present, that the manor of the Master, Brothers, and Sisters of the hospital of St. Catherine, near the Tower of London, that is to say, in the county of Middlesex, now is, and from time whereof the memory of man is not to the contrary, hath been an ancient manor, and during all the time aforesaid there hath been and still is belonging and appertaining to the said manor, a leet or view of frankpledge, within the limits of the said hospital, and whatsoever belonged to such leet and view of all and singular the tenants, persons dwelling within the bounds and precincts of the said hospital: And the jurors aforesaid, upon their oath aforesaid, do further present, that within the said manor there now is, and from time whereof the memory of man is not to the contrary, there hath been a certain ancient and laudable custom used and approved of therein, that the court of the same leet or view of frankpledge, from time to time, during all the time aforesaid, have, that is to say by the homage thereof, nominated, elected and appointed, and have been used and accustomed to elect, nominate, and appoint; and from time to time, during all the time aforesaid, of right ought to nominate, elect, and appoint fit and able persons, inhabitants and residents within the said manor, to serve and take upon themselves respectively the office of headborough of and for the aforesaid manor, and the precincts and liberties thereof: And the jurors aforesaid, upon their oath aforesaid, do further present, that before the day of taking this inquisition, to wit, on, &c. in the year of Our Lord 1777, William Scholey, late of, &c. in, &c. was an inhabitant and resident within the manor aforesaid, and a fit and able person to take upon himself the office of headborough of and for the same manor, and the precincts and liberties thereof: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, and before the taking this inquisition, to wit, at a court leet or view of frankpledge of our lord the king, holden at the court house within and for the said manor of the Masters, Brothers, and Sisters of the hospital of St. Catherine, near the Tower of London, in the county of Middlesex, at the court house there, on, &c. A. D. 1777, before J. C. gentleman, deputy steward of the said manor, he the said W. C. was lawfully and in due manner appointed, nominated, and elected by the said court (to wit, by the homage there), according to the said custom, into the office of headborough for the said manor and the liberties and precincts thereof, for one year from thence next ensuing, and until another should be duly elected and chosen in his room and place, to do and execute all and singular those things which belong to the office of headborough of and for the said manor and the liberties and precincts thereof; and that the said William Scholey afterwards, to wit, on, &c. in, &c. within the manor aforesaid, to wit, at the precinct of St. C. in the county of Middlesex aforesaid, had notice of such nomination, election and appointment, and was then and there summoned and required to be and appear at a court leet or view of

Indictment against a person for refusing to execute the office of headborough, after being duly chosen at a court-leet of a particular manor.

1st Count, disobeying order of court-leet.

of frankpledge, to be held for the said manor, on, &c. in, &c. at twelve o'clock at noon, at the court house in the said precinct of St. C. then and there to be sworn, and serve as such headborough for the year then next ensuing: And the jurors aforesaid, upon their oath aforesaid, do further present, that a court leet or view of frankpledge of our lord the king was holden at the court house within and for the manor of the Masters, Brothers, and Sisters of the hospital of St. C. near the Tower of London, holden in the county of Middlesex, on, &c. in, &c. before H. B. esquire, barrister at law, steward of the said manor, that is to say, at twelve o'clock of the same day, and continued to be holden for a long time, to wit, for the space of two hours; but that the said William Scholey did not then and there appear at the said court leet or view of frankpledge last aforesaid, to take on him the said office of headborough, although solemnly called; but therein wholly failed and made default: and thereupon, afterwards, to wit, at the said last-mentioned court leet or view of frankpledge so holden as last aforesaid, it was by the said court ordered that the said W. Scholey should attend to take and take the oath for duly performing the said office before some of his majesty's justices of the peace, who should be sitting at the Rotation-office held at the house known by the name or sign of the Angel and Crown, in Whitechapel, (that is to say, at the parish of Saint Mary, Whitechapel, in the county of Middlesex) on, &c. then next, between the hours of eleven and twelve of the clock of the forenoon in the same day, as by the said order of court (relation being thereunto had) will more fully and at large appear, of which said order so made as aforesaid, he the said W. S. afterwards, to wit, on, &c. within the manor aforesaid, to wit, at the precinct of St. C. aforesaid, had notice; nevertheless the said William Scholey his duty in this behalf not regarding, but contriving and intending wholly to neglect and avoid serving the said office of headborough, after he the said W. S. was so nominated, elected, and appointed into the said office as aforesaid, and after the making the aforesaid order, did not attend to take, nor did he take the oath for duly performing the said office before some of his majesty's justices of the peace, who were sitting at the Rotation-Office, held at the house known by the name or sign of the Angel and Crown, in Whitechapel, on, &c. next after the making the issue of said order, between the hours of eleven and twelve of the clock in the forenoon of the same day, or at any other time (although divers, to wit, A. B. esquire, &c. justices of our said lord the king, assigned to keep the peace of our said lord the king, in and for the county of Middlesex aforesaid, and also to hear and determine divers felonies, trespasses, and other misdeeds committed in the said county, were then and there, on the day and year last aforesaid, between the hours aforesaid of that day, met and assembled together), as by the said order he the said W. S. was commanded and required to do, and ought to have done; nor hath he at any other time accepted or taken upon him the said office, or taken the said oath for the purpose

purpose aforesaid, but then and there, to wit, on, &c. in, &c. and continually afterwards, until the day of taking this inquisition, within the manor aforesaid, to wit, at the precinct of St. C. aforesaid, in the county aforesaid, unlawfully and contemptuously did refuse, and still doth refuse to take the said office, or *the said oath for the due executing the said office* of headborough, and in any wise to take upon himself and execute the same office, hath hitherto wholly refused, to wit, at the precinct aforesaid, in the county aforesaid, to the great hindrance of justice, in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that, &c. (2d count proceeds no farther than his offence in not attending the court held the twenty-second, &c. as follows:) Nevertheless the said W. S. his duty in that behalf not regarding, but contriving and intending wholly to neglect and avoid serving the said office of headborough, after he the said W. S. was so nominated, elected, and appointed into the said office as aforesaid, was not, nor did appear at the said court leet or view of frankpledge, so holden as last aforesaid, to take on him the said office of headborough, although solemnly called, as the said W. S. was summoned to do, and ought to have done; nor hath he at any other time, &c. (as in the 1st count, omitting what is in Italic. 3d count like the 2d, only stating the right of nomination to be of and for *an headborough for the precinct of St. C. near the Tower of London, in the county of Middlesex*, observing to alter the count accordingly throughout.)

J. MORGAN.

(a) PAUPERS.

PLEAS before our lord the king at Westminster, of Trinity Term, in the second year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c.

Among the pleas of the king.

ROLL.

SOUTHAMPTON, to wit. Sometime ago, that is to say, on Tuesday, in the week next after the feast of Saint Michael the Archangel, to wit, the sixth day of October, in the first year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, &c. and in the year of Our Lord 1761, at the general quarter sessions of the peace of our sovereign lord the king, held at the castle of Winchester, in and for the said county of Southampton, before Matthew Imber, &c. &c. &c. (naming them) esquires, justices of our said lord the king, assigned to keep the peace of our said lord the king in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdeeds committed in the same county, by the oath of twelve jurors, good and lawful men of the county aforesaid, then and there sworn and charged

Record of an indictment at quarter sessions for bringing a pauper, having the small pox, into the parish, who died, and the parish put to the expence of her burial.

(a) See Conspiracy, ante 212, 224.

to inquire for our said lord the king for the body of the said county, it was presented as followeth, that is to say, Southampton to wit, the jurors for our sovereign lord the king, upon their oath present, that Robert Harcourt, otherwise Harbort, late of Horn-dean, in the parish of Catherington, in the county of Southampton, innholder, devising and intending the inhabitants of the parish of Chalton, in the said county of Southampton, with the maintenance and support of one Anne Somerset, single woman, unjustly to charge on the ninth day of May, in the first year of the reign of our sovereign lord George the Third, now king of Great Britain, her the said Anne Somerset then being poor and impotent, and ill with the small-pox, and then not having any legal settlement within the said parish of Chalton, violently, unlawfully, unjustly, and without any legal warrant or authority, did bring, convey, and leave, and cause and procure to be brought, conveyed, and left in the said parish of C. to be kept and maintained at the charge of the inhabitants of the same parish, which said Anne Somerset within ten days after she was so brought into the said parish as aforesaid did there die, by reason whereof the inhabitants of the said parish were obliged to expend and did expend forty shillings of lawful money of Great Britain in and about the burial of the said Anne Somerset, to the great damage of the said inhabitants, and to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity; which said indictment our said lord the king afterwards, for certain reasons, caused to be brought before him to be determined according to the law and custom of England; wherefore the sheriff of the said county of Southampton was commanded that he should not forbear by reason of any liberty in his bailiwick, but that he should cause him to come to answer to our said lord the king, touching and concerning the premises aforesaid: And now, that is to say on Friday next after the morrow of the Holy Trinity, in this same term, before our said lord the king at Westminster, cometh the said Robert Harcourt, otherwise Harbort, by John Montague his attorney, and having heard the said indictment read, he saith, that he is not guilty thereof, and thereupon he putteth himself upon the county, and James Burrow, esquire, coroner and attorney of our said lord the king, in the court of our said lord the king, before the king himself, who for our said lord the king in this behalf prosecuteth doth the like.

Plea not guilty.

Similar.

Indictment for removing a pauper with child into another parish than where she belonged, where she was brought to bed, and became chargeable, &c.

BERKSHIRE, *ff.* The jurors for our lord the king upon their oath present, that J. B. late of the town of M. in the county of B. yeoman, devising and intending to charge the inhabitants of the parish of H. in the said county of B. with the maintenance of M. L. widow (being a poor and impotent person), and also of a certain child she was then pregnant of on the eighth day of March, in the twenty-fourth year of the reign of our sovereign lord George the Third, king of Great Britain, &c. in the parish of H. in the county aforesaid, she the said M. L. then being such poor

poor and impotent person, and unable to maintain or support herself, and then not having any legal settlement in the said parish, unlawfully, injuriously, fraudently, and unjustly, and without any legal warrant or authority, did bring, convey, and leave, and cause and procure to be brought, conveyed, and left in the said parish of H. to be kept and maintained at the charge of the inhabitants of this parish, which said M. L. afterwards, to wit, on the day of March, in the said twenty-fourth year aforesaid, was delivered of a female child (the said M. L. then being such poor and impotent person, and unable to support or maintain herself, or her said female child), and then not having any legal settlement in the said parish of H. to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Side 3d vol. of Burn's Justice—tit. poor, settlement by marriage, how far this is an indictable offence—also 8. Mod. 321.

ON PARTICULAR STATUTES.

MIDDLESEX. The jurors, &c. that George Stacpoole, of, &c. in, &c. in the twenty-second year, &c. with force and arms, at, &c. and not within any of the royal palaces of our said lord the king, wherein our said lord the king did then actually reside, did play at dice with J. M. N. esquire, at a certain game called pass dice, and that the said G. S. with force and arms by then and there playing at the said game with the said J. M. N. on, in the twenty-second year, &c. aforesaid, within the space of twenty-four hours, to wit, within the space of five hours, at, &c. in, &c. unlawfully did lose at the said play to the said J. M. N. above the sum of twenty pounds, to wit, the sum of twenty-one thousand pounds, to the evil example, &c. and against the, &c. and also against the form of the statute, &c. ; that the said G. S. afterwards, that is to say, on, &c. in the twenty-second year, &c. with force and arms, at, &c. in, &c. and not within any of the palaces of, &c. where, &c. did play at dice with the said J. M. N. and that the said G. S. by then and there playing at dice with the said J. M. N. on, &c. in the twenty second, &c. within the space of twenty-four hours, to wit, in the space of five hours, at, &c. in, &c. unlawfully did loose to the said J. M. N. above the sum of twenty pounds, to wit, the sum of twenty-one thousand pounds, to the evil, &c. and against, &c.

Indictment for losing more than twenty pounds within twenty-four hours.

THE

By statute, 18. Geo. 2. c. 34. it is enacted, "that if any person after the commencement of this act shall win " or loose at play, or by betting at any " one time the sum or value of ten " pounds, or within the space of twenty-

" twenty-four hours, the sum or value
 " of twenty pounds. such person shall
 " be liable to be indicted for such of-
 " fence within six months after it is
 " committed, either before his ma-
 " jesty's justices of the king's bench,
 " assize, goal delivery, or grand sessions;
 " and being thereof legally convicted,
 " shall be fined five times the value of
 " the sum so won or lost; which fine,
 " after such charges as the court shall
 " judge reasonable to be allowed to the
 " prosecutor and evidence out of the
 " same, shall go to the poor of the parish

" or place where such offence shall be
 " committed." By the ninth section
 " of the same statute, it is provided,
 " that if any person so offending shall
 " discover any other person so offend-
 " ing, so that such person be there-
 " upon convicted, the person so dis-
 " covering shall be discharged and in-
 " demnified from all penalties by reason
 " of any such offence, if such person
 " so discovering hath not been before
 " convicted thereof, and shall be ad-
 " mitted as an evidence to prove the
 " same."

Indictment for
 fishing in the
 king's park, 5.
 Geo. 3.

THE jurors for our lord the king upon their oath pre-
 sent, that Edmund Mayhew, otherwise Warner, late of the parish
 of New Windfor, in the county of Berks, labourer, Andrew
 Knott, late of the same, labourer, and William Thorley, other-
 wise Fawley, otherwise Wilkes, late of the same, labourer, after
 the first day of June 1765, to wit, on the fourth day of March, in
 the thirteenth year of the reign of our sovereign lord George
 the Third, king of Great Britain, &c. with force and arms, at
 the parish aforesaid, in the county aforesaid, unlawfully did enter
 into a certain park of our sovereign lord the king, there situate,
 called Cranbourne park, the said park being fenced in and in-
 closed, wherein a certain pond of water then and there was, and
 did then and there steal, take, kill, and destroy twenty-four fish
 called carp, of the value of twenty-four shillings, of the goods and
 chattels of our said sovereign lord the king, then and there being,
 and then and there bred, kept, and preserved in such pond as afore-
 said, without the consent of our said sovereign lord the king, then
 and there being the owner thereof, against the form of the statute
 in such case made and provided, and also against the peace of our
 said lord the king, his crown and dignity: And the jurors aforesaid,
 upon their oath aforesaid, do further present, that the said Edmund
 Mayhew, otherwise Warner, Andrew Knott, and William Thor-
 ley, otherwise Fawley, otherwise Wilkes, on the said fourth day
 of March, in the thirteenth year of the reign of our sovereign
 lord George the Third, king of Great Britain, &c. with force
 and arms, at the parish aforesaid, in the county aforesaid, unlaw-
 fully did enter into a certain paddock of our said the king there
 situate, the said paddock being fenced in and inclosed, wherein
 a certain pond of water then and there was, and did then and
 there steal and take twenty-four fish called carp, of the value of
 twenty-four shillings, of the goods and chattels of our said sove-
 reign lord the king, then and there being and then and there
 bred and kept in such pond of water aforesaid, without the consent
 of our said lord the king, then and there being the owner thereof,
 against the form of the statute in such case made and provided,
 and also against the peace of our said lord the king, his crown and
 dignity.

2d Count.
 A paddock.

E. BEARCOFT.

BUCKINGHAMSHIRE, to wit. The jurors for our lord the king upon their oath present, that Giles Rose, late of the parish of Haddenham, in the said county of Buckingham, labourer, being an evil disposed person and a common cheat, and contriving and intending unlawfully, fraudulently, and deceitfully to cheat and defraud one Matthias Line, of the parish of Amer-sham, in the said county of Buckingham, victualler, of his monies for the support of his profligate way of life, on the twenty-fourth day of November, in the thirty-third year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. with force and arms, at the parish of A. in the county of B. aforesaid, unlawfully, knowingly, and designedly did falsely pretend to the said M. L. that one William Hammond was a gentleman of fortune, residing at Haddenham, in the county of Buckingham, and that divers large sums of money were due and owing from the said William Hammond to the said G. R. and that the said W. H. would accept and pay, according to the tenor and effect thereof, a certain bill of exchange in writing, then and there drawn by the said G. R. upon the said W. H. and dated the day and year aforesaid, and whereby the said Giles Rose required the said W. H. to pay to the said Matthias Line or order, the sum of thirty-one pounds ten shillings one week after date thereof, and to place the same to the account of him the said G. R. and then and there delivered the same to the said M. L. by which said false pretences the said G. R. did afterwards, to wit, on the twenty-seventh day of the same November, in the thirty-third year aforesaid, at the parish of A. aforesaid, in the county aforesaid, with force and arms, &c. unlawfully, knowingly, and designedly obtain from the said Matthias Line a large sum of money, to wit, the sum of five pounds ten shillings of the money of the said Matthias Line, with intent then and there to defraud him the said M. L. of the same: Whereas in truth and in fact the said W. H. was not then and there a gentleman of fortune residing at Haddenham in the county of B.; and whereas in truth and in fact there were not then and there divers large sums of money due and owing from the said W. H. to the said G. R.; and whereas in truth and in fact there was not then and there any sum of money whatsoever due and owing from the said W. H. to the said G. R.; and whereas in truth and in fact the said W. H. did not nor would accept the said bill of exchange; and whereas in truth and in fact the said W. H. did not, could not, nor would pay the said bill of exchange when the same became due, according to the tenor and effect of the said bill, or at any other time whatsoever, to the great damage and deception of the said M. L. to the evil example of all others in the like case offending, against the peace of our said lord the king, his crown and dignity, and also against the form of the statute in such case made and provided: And the jurors aforesaid, upon their oath aforesaid, do further present,

(a) Indictment for obtaining money under false pretence of drawing upon a person who, prisoner pretended, was indebted to him, and that he was a gentleman of fortune, whereas he was in fact a pauper, and not indebted.

S. P. Crown Cir. Com. tit. "Deceit."

(a) See Cheat, Fraud, False Pretences, ante p. 73.

that the said G. R. being such evil disposed person, and such common cheat as aforesaid, and contriving and intending unlawfully, fraudulently, and deceitfully to cheat and defraud the said M. L. of his monies for the support of his profligate way of life, on the said twenty-fourth day of November, in the thirty-third year of the reign aforesaid, with force and arms, at the parish of A. aforesaid, in the county aforesaid, unlawfully, knowingly, and designedly did falsely pretend to the said M. L. that the said W. H. was a gentleman residing at Haddenham, in the county of B. and that the said W. H. would pay a certain other bill of exchange in writing, then and there drawn by the said G. R. upon the said W. H. and dated the day and year last aforesaid, and whereby the said G. R. required the said W. H. to pay to the said M. L. or order, the sum of thirty-one pounds ten shillings one week after date thereof, and to place the same to the account of him the said G. R. and then and there delivered the same to the said M. L. ; by which said false pretences the said G. R. did afterwards, to wit, on the twenty-seventh day of the same November, in the thirty-third year aforesaid, to wit, at the parish of A. aforesaid, in the county aforesaid, with force and arms, &c. unlawfully, knowingly, and designedly obtain from the said M. L. a large sum of money, to wit, the sum of five pounds ten shillings of the money of the said M. L. with intent then and there to defraud him the said M. L. of the same : Whereas in truth and in fact the said W. H. was not then and there a gentleman, residing at H. in the county of B. ; and whereas in truth and in fact the said W. H. was then and there a pauper, chargeable to and maintained by the said parish of H. in the county of B. ; and whereas in truth and in fact the said W. H. did not, could not, nor would pay the said last-mentioned bill of exchange, or any part of the money therein mentioned ; and whereas in truth and in fact the said W. H. at the time of drawing the said last-mentioned bill of exchange, and also at the time therein mentioned for payment thereof, was wholly insolvent and incapable of paying the same, which the said Giles then and there well knew, to the great damage and deception of the said M. L. to the evil example of all others in the like case offending, against the peace of our said lord the king, his crown and dignity, and also against the form of the statute in such case made and provided.

Query. I think the indictment should be in the county where the money was obtained. On this indictment defendant was tried and convicted.

(a) Indictment against a beer-brewer for selling beer in casks short of measure, contrary to the statute of 23. Hen. 8. c. — and Counts for a cheat at common law in selling beer in false firkins and kilderkins. SOMERSETSHIRE, to wit. The jurors for our sovereign lord the king upon their oath present, that R. V. Nooke, late

(a) See Cheat, Fraud, False Pretences, ante p. 73.

of beer-brewer, being an evil disposed person, and devising, designing, and intending to impose upon one William Clavil, and to cheat and defraud him of his money, heretofore, after the feast of Lammas, mentioned in a certain act of parliament, made in the twenty-third year of the reign of king Henry the Eighth, entitled, "An Act concerning the new Making of Barrels, Kilderkins, and other Vessels," to wit, on the seventeenth day of July, in the year of Our Lord 1792, at , in the county of S. he the said defendant then and there being a beer-brewer, did falsely and fraudulently put to sale, and did then and there sell to the said W. C. for a large sum of money, to wit, the sum of three shillings and sixpence, beer to be spent and used within this realm to wit, at afore said, in a certain vessel of wood in and for a firkin, but which said firkin did not nor would then and there contain and hold the full and just measure of nine gallons, as by the said statute is directed and required, but the contents and gauge of which said firkin was then and there under that measure, to wit, of the measure of six gallons and two pints and no more, contrary to the form of the statute in such case made and provided, to the great damage and deceit of the said W. C. to the evil example of all others in the like case offending, and against the peace of our lord the king, his crown and dignity: And the jurors afore said, upon their oath afore said, do further present, that the said defendant then and there being a beer-brewer, and being such evil disposed person as afore said, and devising, designing, and intending to impose upon the said W. C. and to cheat and defraud him of his money as afore said, after the feast of Lammas in the said act mentioned, to wit, on the said seventeenth day of July, in the year of Our Lord 1792, at afore said, in the county afore said, did falsely and fraudulently put to sale, and did then and there sell to the said W. C. beer to be spent and used within this realm, to wit, at afore said, in a certain vessel of wood, as and for a firkin, but which said firkin was not then and there made and marked by an artificer of coopers in manner as by the said statute is directed and required, contrary to the form of the statute in such case made and provided, to the great damage of the said W. C. to the evil example, &c. and against the peace, &c. (two more counts, saying kilderkins instead of firkins, seven shillings instead of three shillings and sixpence, and eighteen gallons instead of nine.)

OTHER MISDEMEANORS.

Indictment a-
gainst a mid-
wife for engag-
ing the delivery
of a woman, and
so unskilfully
using the art
that she died.

MIDDLESEX, to wit. The jurors for our lord the king upon their oath present, that Anne, the wife of T. A. late of, &c. gentleman, being a person of a wicked mind and disposition, and unlawfully, wickedly, and injuriously minding and intending to impose upon and deceive divers liege subjects of our said lord the king, under the false colour and pretence that she the said A. A. was well skilled in the art, profession, or calling of a midwife, and that she was of sufficient knowledge and ability to undertake and practice the said art, profession, or calling, and to execute and perform the duties of such art, and also unlawfully, &c. going about, and causing and procuring herself the said A. A. to be engaged, retained, and employed by divers liege subjects of our said lord the king in the delivery of pregnant women, for large sums of money to be paid to her the said A. A. for such her pretended skill in the said art, &c. of a midwife, on, &c. in the year of the reign of, &c. with force and arms, &c. at, &c. in, &c. unlawfully did set up and practise the said art of a midwife: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. A. so having set up, used, and practised the said art, &c. on, &c. at, &c. in pursuance of her aforesaid wicked intentions, did cause and procure herself the said A. A. to be retained and employed in the said art, &c. to deliver one M. D. then the wife of J. D. of the parish and county aforesaid, butcher, of a certain male child with which she the said M. D. was then and there pregnant, for a certain large sum of money to be thereupon paid to her the said A. A. for her attendance on the said M. D. and for her skill and ability in the said art, &c. of a midwife, and the said A. A. then and there unlawfully, &c. did undertake and deliver the said M. D. of the said male child with which she was then pregnant as aforesaid, and did then and there unlawfully, &c. falsely pretending that she the said A. A. was of sufficient skill and ability, and of sufficient knowledge in the said art, &c. of a midwife to execute and perform the same: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said A. A. not regarding the life of the said M. D. or of the child with which she was so pregnant as aforesaid, and being wholly unskilled in the said art, &c. of a midwife, and of no ability to perform and execute the duties thereof, and neglecting and refusing necessary advice and assistance on, &c. at, &c. in for and about the delivery of the said M. D. of the said child with which she was so pregnant as aforesaid, with force and arms unlawfully, wickedly, ignorantly, rashly, injuriously, unskilfully, improperly, unnecessarily, and contrary to good practice in the said art, &c. of a midwife, did then
and

and there cut off, tear off, pull off, separate, sever, and dismember the left arm of the said child with which she the said M. D. was so pregnant as aforesaid, and of which child the said M. D. was then and there about to be delivered, and did also then and there unskillfully, &c. and contrary, &c. make use of and apply in and about the said delivery of the said M. D. certain destructive instruments, to wit, a certain instrument called perforating scissars, and also a certain other instrument called a crotchet; and the said several instruments called perforating scissars and a crotchet did then and there unskillfully, &c. and contrary, &c. introduce, make use of, and apply in and to the womb and body of the said M. D. and with the said destructive instruments called, &c. did then and there unlawfully, &c. and contrary, &c. break in pieces, crush, and destroy the ribs and other parts of the body of the said male child with which she the said M. D. was so pregnant, and of which she was so then and thereabout to be delivered as aforesaid, within the womb and body of the said M. D. by reason and means of which said unlawful, wicked, injurious, &c. cutting off the arm of the said child as aforesaid, and also of the said unlawful, &c. use and abuse of the said several instruments called, &c. as also by reason and means of the breaking in pieces, crushing, and destroying the ribs, and other parts of the body of the said child as aforesaid, within the womb and body of the said M. D. as aforesaid, the womb, *vagina abdomen*, and other parts of generation, and of the body of the said M. D. were by the broken bones of the said child, and by the said instruments called, &c. then and there greatly torn, lacerated, extended, wounded, injured, and hurt, and a great and violent effusion and discharge of blood from the womb and body of the said M. D. was thereby then and there occasioned, of which said tearing, laceration, extension, wounding, injuring, and hurting of the womb, *vagina abdomen*, and other parts of generation, and other parts of the body of the said M. D. as aforesaid, and of the great and violent effusion, &c. of blood from the womb and body of the said M. D. occasioned thereby as aforesaid, she the said M. D. from, &c. until, &c. at, &c. did languish and languishing did live, on which said day of, &c. she the said M. D. at, &c. of the said laceration, &c. of the womb, &c. and of the body of the said M. D. in manner and form aforesaid, and of the great and violent effusion, &c. of blood from the womb and body of the said M. D. died, to the great scandal, infamy, and disgrace of human nature, and of the midwives of this kingdom, to the very great damage of the said J. D. in evil example of all others in the like case offending, *and against the peace of our said lord the king, his crown and dignity* (a).

(a) An action or information, "*qui tam*," need not conclude "*contra pacem*," or in "*contemptum domini regis*," as an indictment must. Cro. Jac. 529. Cro. Eliz. 835.

N. B. It is not a good plea in abatement of an indictment, as it is of an appeal or information that there is another indictment against defendant for

the same offence, but in such a case the court in discretion will quash the first indictment, 2 Hawk, P. C. 367.

Indictment for
disturbing a
congregation.

MIDDLESEX. The jurors for our lord the king upon their oath present, that at the general quarter sessions of the peace of our sovereign lord George the Third, king of Great Britain, &c. holden for the county of Middlesex, at Hicks's Hall, in Saint John-street, in the said county, by adjournment, on the day of , in the year of the reign of our sovereign lord George the Third, king of Great Britain, &c. before Sir John Hawkins, knight, and others their fellows, then justices of our said lord the now king, assigned to keep the peace in the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and others misdemeanors committed in the said county A. B. clerk, teacher, or preacher to a congregation of protestants dissenting from the church of England, scrupling infant baptism, pursuant to the statute in that case made and provided, did certify to his majesty's justices of the peace for the said county, assembled in quarter sessions aforesaid, that he had appointed a certain house situate at in Staines, in the parish of , in the county of Middlesex, to assemble and meet in and for religious worship, which at the same general quarter sessions of the peace was registered and recorded in manner and form aforesaid, according to the direction of the said act: And the jurors aforesaid, upon their oath aforesaid, do further present, that afterwards, to wit, on the fourteenth day of January, in the twenty-first year of the reign of our said lord the now king, the same being the Lord's day, about the hour of seven in the afternoon of the same day, a congregation of protestants dissenting from the church of England, of which one Richard Burnham was then the teacher or preacher, were assembled for the public worship and service of Almighty God in the house aforesaid, being the same house so certified, registered, and recorded as aforesaid; and that one James Wilson, late of the parish of Staines, in the said county of Middlesex, yeoman, John Wicks, late of the same, labourer, Thomas Reelly, late of the same, labourer, John Wear, late of the same, labourer, and Francis Roe, late of the same, labourer, not regarding the laws and statutes of this realm, afterwards, to wit, on the same fourteenth day of January, in the twenty-first year of the reign of our said lord the now king, with force and arms at the same parish and county, willingly and of purpose maliciously and contemptuously did come into the said congregation (being then a congregation allowed by the act of parliament aforesaid), and disquiet and disturb the same congregation during the time of divine service, by then and there talking, cursing, and swearing with a loud voice, and also by talking with a loud voice

to the said Richard Burnham, then and there being in the pulpit (the doors of the said meeting-house and place where the said congregation was so assembled not being then locked, barred, or bolted), to the evil example of all others in the like case offending, against the peace of our said lord the king, his crown and dignity, and also against the form of the statute in such case made and provided: And the jurors aforesaid, upon their oath aforesaid, do further present, that the aforesaid James Wilson, John Wicks, Thomas Reelly, John Wear, and Francis Roe, on the same fourteenth day of January and year aforesaid, with force and arms, at the parish of Staines aforesaid, in the county aforesaid, did willingly and of purpose maliciously and contemptuously come into a certain congregation of protestants dissenting from the church of England, and scrupling infant baptism, then and there assembled in the meeting-house of Richard Burnham, there situate for the worship and service of Almighty God (which said congregation was there permitted by a certain act of parliament made in the first year of the reign of their late majesties king William and queen Mary of England, and so forth, entitled, "An Act for exempting their Majesty's Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws"), and of which congregation the said Richard Burnham was then and there teacher or preacher; and they the said James Wilson, John Wicks, Thomas Reelly, John Wear, and Francis Roe did then, to wit, at the same time when they so came into the said congregation, there disquiet and disturb the said congregation by talking, laughing, cursing, and swearing with a loud voice, the said Richard Burnham then and there being in the pulpit (the said meeting-house where the congregation was so assembled being then and long before registered and recorded according to the direction of the said last mentioned act of parliament, and the doors of the said meeting-house and place where the said congregation was so assembled not being then locked, barred, or bolted), to the evil example of all others in the like case offending, against the peace of our said lord the king, his crown and dignity, and against the form of the statute in such case made and provided.

ad Count.
Assembled and
permitted by act
8. W. & M.

CHESHIRE, // The jurors for our sovereign lord the king upon their oath present, that within the hundred of Macclesfield, in the county of Chester, there now is and from time whereof the memory of man is not to the contrary, there hath been a certain common gaol of our said lord the king for the purpose of keeping in safe custody offenders and prisoners within the same, situate and being at Macclesfield, in the said county, and parcel of a certain tenement commonly called the gaol tenement, otherwise the gaol house there, and that on the day of , in the year of the reign of our sovereign lord George the Third, king of Great

Indictment a-
gainst a mort-
gagee in pos-
session of a gaol
of a liberty and
hundred court
for not repairing
it, whereby the
prisoners therein
could not be
kept safely, and
opinion on the

case.—S. P. Dogharty's Cr. Cir. Assistant.

Britain,

Britain, &c. and continually from thence until the day of taking this inquisition, the said gaol hath been and still is greatly ruinous, in decay, and out of repair for want of needful and necessary repairing and amending the same, so that offenders and prisoners during such time could not, nor can they now be kept in safe and secure custody within the same gaol as they ought and were wont to be, and still ought to be, to the great hindrance and obstruction of justice, to the great damage of his majesty's liege subjects, and against the peace of our said lord the king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that George Warrington, late of A. for and during all the time aforesaid, was and still is owner and occupier of the said tenement, and that the said George Warrington is owner and occupier of the said tenement, and all others the owners and occupiers thereof for the time being, from time whereof the memory of man is not to the contrary, until the time of such nuisance have repaired and amended, and have been used and accustomed to repair and amend, and the said George Warrington still of right ought to repair and amend the said gaol, so being ruinous, in decay, and out of repair as aforesaid, when and as often as occasion hath required or shall or may be or require, and that the said George Warrington has not yet done the same, &c. (2d Count as occupier only; 3d Count, bailiff and keeper of the gaol of the liberty of the hundred of Macclesfield, in the said county of Chester.)

This case appears to me to be not without some difficulties; but as it is stated that the offices of bailiff and keeper of the gaol have always gone together, and been exercised by the owner of the gaol for the time being, I think the best course that can be taken is to indict the present mortgagee in possession (George Warrington) for not keeping the gaol in proper and sufficient repair. The indictment will charge him in one Count as the owner and occupier of the gaol tenement; and that by reason

of his tenure he is bound to keep the gaol in a state of proper and sufficient repair, for the reception and safe custody of the prisoners; in another, as occupier only; and another, as bailiff and keeper of the gaol of the liberty of the hundred of Macclesfield, stating, in all of them, that he is chargeable with the burthen, *ratime tenuræ*. I do not see any other means by which a repair of the gaol can be compelled but by indictment or information on the grounds above suggested. F. Bowyer.

(a) AGAINST JUSTICES OF THE PEACE.

Indictment against justices for partiality in refusing to grant a license,

MIDDLESEX, to wit. The jurors of our sovereign lord the king upon their oath present, that Robert Bird Gabriel, late of the parish of Harlington, in the said county of Middlesex, doctor in divinity, on the seventeenth day of September, in the

(a) See Conspiracy, p. 125 ante, and Information against Justices post.

thirty-

thirty-second year of the reign of our sovereign lord George the Third, now king of Great Britain, &c. and long before was, and continually from thence hitherto hath been, and still is one of the justices of our said lord the king, assigned to keep the peace of our said lord the king in and for the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, acting in a certain division in the said county, commonly called the Uxbridge division, in which said division the parish of Harmondsworth, in the said county of Middlesex, then lay and now lies, and then was and now is situate: And the jurors aforesaid, upon their oath aforesaid, do further present, that on the said seventeenth of September, in the thirty-second year aforesaid, at Uxbridge, in the said county of Middlesex, a general meeting of the justices of our said lord the king, assigned to keep the peace of our said lord the king, in and for the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, acting in and for the said division of the said county, in which the parish of Harmondsworth then lay and now lies, and was and is situate as aforesaid, was duly held for the purpose of licensing persons to keep common inns and ale-houses within the said division, according to the form of the statute in such case made and provided, by and before the said Robert Bird Gabriel, as such justice as aforesaid, and certain other persons, to wit A. Baynes, Thomas Fellows, Thomas Bishop, and Edward Hillier, esquires, then and there also being justices assigned to keep the peace of our said lord the king in and for the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, acting in and for the said division: And the jurors aforesaid, upon their oath aforesaid, do further present, that one Berry Haynes, being a person of good fame, and of sober life and conversation, and being then and there desirous of keeping a common inn or ale-house, in a certain house situate and being within the said parish of Harmondsworth, in the said county of Middlesex, and within the division aforesaid, commonly called and known by the name or sign of the Magpie and Pigeons (in which said house the trade and business of a victualler was then carried on, under and by virtue of a certain licence before then for that purpose duly granted unto one John Meads then lately deceased), he the said Berry Haynes did then and there at the said general meeting apply to the said justices to grant to him the said Berry Haynes a licence to keep a common inn or ale-house in the said house so called and known by the name or sign of the Magpie and Pigeons as aforesaid, for the space of one year, to commence on the twenty-ninth day of the same September, in the thirty-second year aforesaid, and did then and there, at the said general meeting, produce to and before the said justices so then and there met

met for the purpose of granting such licences as aforesaid, a certificate under the hands of the then churchwardens and overseers of the poor, and of seven then reputable and substantial householders and inhabitants of the said parish of Harmondsworth, in which the said house for which such licence was so applied for by the said Berry Haynes as aforesaid was and is so situate as aforesaid, of his the said Berry Haynes's being a person of good fame and of sober life and conversation, and the said Berry Haynes was then and there ready to enter into a recognizance with sufficient sureties for the maintainance of good order and rule within the same house, pursuant to the statute in such case made and provided : And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Bird Gabriel, so being such justice as aforesaid, and acting as aforesaid, not regarding his duty as such justice, but wrongfully, and maliciously, and corruptly intending to oppress, injure, hurt, and aggrieve the said Berry Haynes, by colour of his said office of a justice of the peace as aforesaid, did then and there at the said meeting so held on the said seventeenth day of September, in the thirty-second year aforesaid, at Uxbridge aforesaid, in the said county of Middlesex, corruptly, maliciously, and unjustly, and without any lawful or reasonable cause whatsoever, and from motives of private partiality and favour unto and towards one Richard Smith the then keeper of a certain other ale-house, situate in the division aforesaid, that is to say, a certain common ale or victualling house then kept by the said Richard Smith, situate in the parish of Harlington, in the said county of Middlesex, in the said division, commonly called and known by the name or sign of the Coach and Horses, refuse to grant to the said Berry Haynes the said licence so by him applied for as aforesaid, and did then and there corruptly, maliciously, and unjustly prevent and hinder such licence from being granted to the said Berry Haynes, to the great damage of the said Berry Haynes, in breach and violation of the duty of the said Robert Bird Gabriel, as such justice as aforesaid, to the evil example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity : And the jurors aforesaid, on their oath aforesaid, do further present, that heretofore, to wit, on the said seventeenth day of September, in the thirty-second year aforesaid, at Uxbridge aforesaid, in the said county of Middlesex, a general meeting of the justices of our said lord the king, assigned to keep the peace of our said lord the king, in and for the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed within the said county, acting in and for a certain division of the said county called the Uxbridge division, was duly held for the purpose of licensing persons to keep common inns and ale-houses within the said division for the space of one year, to commence on the twenty-ninth day of the same September, in the thirty-second year aforesaid, according to the form of the statute

statute in such case made and provided, by and before the said Robert Bird Gabriel and certain other persons, to wit, A. Baynes, Thomas Fellows, Thomas Bishop, and Edward Hillier; he the said Robert Bird Gabriel and the said other persons, to wit, A. Baynes, Thomas Fellows, Thomas Bishop, and Edward Hillier, then and there being justices of our said lord the king, assigned to keep the peace of our said lord the king, in and for the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed within the said county, acting in and for the said division: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Berry Haynes, being a person of good fame and of sober life and conversation, and being then and there desirous to keep a common inn or ale-house, in a certain house then lately kept by one John Meads, deceased, situate and being in the parish of Harmondsworth aforesaid, within the division and county aforesaid (in which said house the said John Meads, deceased, had been duly licensed to keep and had accordingly kept a common inn or ale-house, in the year next preceding the said last-mentioned meeting), he the said Berry Haynes did then and there at the said last-mentioned general meeting apply to the said last-mentioned justices to grant unto him the said Berry Haynes a licence to keep a common inn or ale-house in the said house so kept by the said John Meads, deceased, as last aforesaid, for the term of one year, to commence from the twenty-ninth day of September, in the thirty-second year aforesaid, and did then and there at the said last-mentioned meeting produce to and before the said justices so then and there met for the purpose of granting such licences as aforesaid, a certificate under the hands of the then churchwardens and overseers, and of seven then reputable and substantial householders and inhabitants of the said parish of Harmondsworth, in which the said house for which such licence was so applied for by the said Berry Haynes as last aforesaid, was and is so situate as aforesaid; of the said Berry Haynes being a person of good fame and of sober life and conversation, and the said Berry Haynes was also then and there ready to enter into a recognizance with sufficient surety for the maintainance of good order and rule within the said last-mentioned house, pursuant to the statute in such case made and provided: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Bird Gabriel, so being such justice as last aforesaid, and acting as last aforesaid, well knowing the premises last-mentioned, and not regarding his duty as such justice, and wrongfully and maliciously intending to oppress, injure, hurt, and aggrieve the said Berry Haynes, by colour of his said office of a justice of the peace as aforesaid, did then and there at the said meeting so holden as last aforesaid, on the said seventeenth day of September, in the thirty-second year aforesaid, at Uxbridge aforesaid, in the said county of Middlesex, corruptly

corruptly and maliciously and without any lawful or reasonable cause whatsoever, and from motives of private partiality and favour unto and towards one Richard Smith, the then keeper of a certain other ale-house, situate in the division aforesaid, in the said parish of Harington, in the said county of Middlesex, refuse to grant and did not grant such licence to the said Berry Haynes as last aforesaid, to the great damage of the said Berry Haynes, in breach and violation of the duty of the said Robert Bird Gabriel, as such justice as last aforesaid, to the evil example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity: And the jurors aforesaid, upon their oath aforesaid, do further present, that heretofore, to wit, on the said seventeenth day of September, in the thirty-second year aforesaid, at Uxbridge aforesaid, in the said county of Middlesex, a general meeting of the justices of our said lord the king, assigned to keep the peace of our said lord the king in and for the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed within the said county, acting in and for the said division of the said county, called the Uxbridge division, was duly held for the purpose of licensing persons to keep common inns and ale-houses within the said division, for the space of one year, to commence on the twenty-ninth day of the same September, in the thirty-second year aforesaid, according to the form of the statute in such case made and provided, by and before the said Robert Bird Gabriel and certain other persons, to wit, A. Baynes, Thomas Fellows, Thomas Bishop, and Edward Hillier, he the said Robert Bird Gabriel and the said other persons, to wit, A. Baynes, Thomas Fellows, Thomas Bishop, and Edward Hillier then and there being justices of our said lord the king, assigned to keep the peace of our said lord the king in and for the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed within the said county, acting in and for the said division; and that the said Berry Haynes being a person of good fame, and of sober life and conversation, did then and there at such meeting as last aforesaid apply to and request the said Robert Bird Gabriel, and such other justices as last aforesaid, so then and there met at such meeting as last aforesaid, to grant to him the said Berry Haynes a licence under their hands and seals to keep a common inn or ale-house in a certain house situate and being in the parish of Harmondsworth, in the said county of Middlesex, and within the division aforesaid, for the space of one year, to commence on the twenty-ninth day of September, in the thirty-second year aforesaid, and did then and there at the said last-mentioned meeting, produce to and before the said justices, so then and there met for the purpose of granting such licences as aforesaid, the certificate by law required of him the said Berry Haynes being a person of good fame, and of sober life and conversation,
and

and was then and there ready to enter into a recognizance with sufficient surety, according to the form of the statute in such case made and provided: And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Robert Bird Gabriel, so being such justice as last aforesaid, and acting as last aforesaid, well knowing the premises last mentioned, and not regarding his duty as such justice as last aforesaid, and wrongfully and maliciously intending to oppress, injure, hurt, and aggrieve the said Berry Haynes, by colour of his said office of a justice of the peace as aforesaid, did then and there at the said meeting, so holden as last aforesaid, on the said seventeenth day of September, in the thirty-second year aforesaid, at Uxbridge aforesaid, in the said county of Middlesex, corruptly and maliciously, and without any lawful or reasonable cause whatsoever, and from motives of private partiality, refuse to grant and did not grant such licence to the said Berry Haynes as last aforesaid, to the great damage of the said Berry Haynes, in breach and violation of the duty of the said Robert Bird Gabriel, as such justice as last aforesaid, to the evil example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity.

V. LAWES.

PROCEEDINGS BEFORE JUSTICES.

SURRY. TOWN AND LIBERTY OF KINGSTON UPON THAMES. Be it remembered, that on the fourth of June, A. D. 1789, at the town of Kingston upon Thames, in the county of S. Robert Hatfield, of Union-street, Deptford, in the county of Kent, gentleman, in his own proper person comes before me Robert Westrope, gentleman, one of his majesty's justices of the peace in and for the town and liberty, residing near the place where the offence herein-after mentioned was committed, and as well for our lord the king as for himself in this behalf, exhibits to and before me the said justice an information and complaint, and thereby informeth me that Francis Rummeger, of the parish of Thames Ditton, in the county of S. within the liberty of K. upon Thames aforesaid, in the same county, after the first of August 1785, mentioned in a certain act of parliament passed in the twenty-fifth year of the reign of his present majesty, entitled, "An Act for Repealing the Duties on Licences taken out by Persons letting Horses for the Purpose of travelling Post, and on Horses let to hire for travelling Post and by Time, and on Stage-coaches, and for granting other Duties in Lieu thereof, and also additional Duties on Horses let to hire for travelling Post and by Time," and within six

(a) Information and conviction on the post-horse act, with warrant of distress, and warrant to apprehend, and the commitment

(a) See Informations, &c. Proceedings before Justices, post.

calendar months now last past, to wit, on the third day of this present month of June at the said parish of Thames Ditton, in the said county, and within the liberty aforesaid, did let out to one A. B. a certain horse for hire, to draw a chaise with two wheels, commonly called a single horse chaise (upon which a certain rate or duty, at the time of passing the said act, under the management of the commissioners of excise, was reserved or made payable), for a less period of time than a day, he the said F. R. at the time of letting out the said horse as aforesaid being a person required by the said act to be licensed for that purpose, and not being in any manner licensed, authorized, or enabled so to do, contrary to the form of the statute in such case made and provided, for which said offence the said F. R. hath forfeited the sum of ten pounds of lawful, &c.: And thereupon the said informant, who prosecutes as aforesaid, prays the consideration and judgment of me the said justice in the premises, and that the said F. R. may be convicted of the said offence, and that one half of the forfeiture, together with full cost of suit, may be adjudged to him the said informant, and that the said F. R. to answer the premises and make defence thereto, according to the form of the statute.

Exhibited and received the day and year first above written, and summons issued for a hearing on the sixth of June instant, at three of the clock in the afternoon of the same day, at the Castle Inn, at the town of K. upon T. aforesaid.

ROBERT HATFIELD.

R. WESTROPE.

Conviction.

Surry. Town and Liberty of Kingston upon Thames. Be it remembered, that on the sixth day of June, in the twenty-ninth year of the reign of our sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland king, defender of the faith, &c. and in the year of Our Lord 1789, F. Rummeger, of the parish of Thames Ditton, in the county of S. within the liberty of Kingston upon Thames, in the said county, coach-maker, was duly convicted before me Richard Westrope, gentleman, one of his majesty's justices of the peace in and for the said town and liberty, residing near the place where the offence herein-after mentioned was committed, in pursuance of an act passed in the twenty-fifth year of the reign of his present majesty, entitled, "An Act for repealing the Duties on Licences taken out by Persons letting Horses for the purpose of travelling Post, and on Horses let to hire for travelling Post and by Time, and on Stage Coaches, and for granting other Duties in Lieu thereof, and also additional Duties on Horses let to hire for travelling Post and by Time;" for that the said Francis Rummeger after the first day of August 1785, in the said act mentioned, and within six calendar months now last past, to wit, on the third day of this present

PROCEEDINGS BEFORE JUSTICES.—WARRANT.

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lent month of June, at, &c. (as between the two marks ÷ on the last page), contrary to the form of the statute in such case made and provided: And I do declare and adjudge, that he the said F. R. hath forfeited for his said offence the sum of ten pounds of lawful money, &c. which sum of ten pounds I do hereby mitigate to the sum of five pounds, to be distributed as the law directs; and I do hereby allow unto Robert Hatfield, of Union-street, Deptford, in the county of K. gentleman, who informed me of the said offence, and sued for the said penalty, for his costs and charges, as well in making the discovery as in the prosecution aforesaid, the further sum of four pounds of like, &c. being a reasonable allowance in that behalf, and do award and adjudge the said sum of four pounds to be paid by the said F. R. over and above such mitigation as aforesaid: this is the first offence. Given under my hand and seal at the town of Kingston upon Thames aforesaid, the day and year first above written.

RICH. WESTROPE. (L. S.)

The first part of this conviction is drawn in pursuance of a form given by the 5th section of the 26 Geo. 3. c. 82. in all cases of pecuniary forfeiture for offences, to wit, in any of the duties under the management of the commissioners of stamps.

S. MARYATT.

Surry. Town and Liberty of Kingston upon Thames. To the constables of the parish of Thames Ditton, in the county of S. within the liberty of Kingston upon Thames, in the said county: Whereas Francis Rummeger of the said parish of Thames Ditton, coachmaker, was on the sixth day of June now last past duly convicted before me Richard Westrope, gentleman, one of his majesty's justices of the peace in and for the town and liberty aforesaid, residing near the place wherein the offence hereinafter mentioned was committed, in pursuance of an act, passed in the twenty-fifth year of the reign of his present majesty, entitled, &c. (as in the conviction from the title of the words) contrary to the form of the statute in such case made and provided; and I then and there declared and adjudged that the said Francis Rummeger had forfeited for his said offence the sum of ten pounds of lawful money of Great Britain, which sum of ten pounds I by the said conviction mitigated to the sum of five pounds, to be distributed as the law directs; and I thereby allowed to Robert Hatfield, of Union-street, Deptford, in the county of K. gentleman, who informed me of the said offence and sued for the said penalty, for his costs and charges, as well in making the discovery as in the prosecution aforesaid, the further sum of four pounds of like, &c. being a reasonable allowance in that behalf, and awarded and adjudged the said sum of four pounds to be paid by the said F. R. over and above such mitigation as aforesaid: And whereas the said two several sums of five pounds and four pounds still remain wholly unpaid, there are therefore to command you to levy the said two several

Warrant of distress.

PROCEEDINGS BEFORE JUSTICES. WARRANT.

sums of five pounds and four pounds by distress of the goods of the said F. R. within the liberty aforesaid; and if within six days next after such distress the same shall not be redeemed by payment of the said several sums, together with the reasonable charges of taking of the said distress, then that you sell the goods by you distrained, and that out of the money which shall be paid to you, or which shall arise by such sale, you pay one half of the said sum of five pounds, and the whole of the said sum of four pounds to the said Robert Hatfield, who informed me of the said offence and sued for the said penalties as aforesaid, and the other half of the said sum of five pounds to of in the said county of S. for the use of his majesty (the said being authorized by the major part of the commissioners for managing the duties on stamp vellum, parchment, and paper so to receive the same), returning the overplus, if any, upon demand, to the said F. R. the reasonable charges of taking, keeping, and selling the said distress being first deducted, and that you certify unto me what you shall do by virtue of this warrant. Given under my hand and seal, at the town of Kingston upon Thames aforesaid, the day of October, in the year of Our Lord 1789.

RICHARD WESTROPE. (L.S.)

By the 26. Geo. 3. c. 82. s. 4. his majesty's share of this penalty is to be paid either to the receiver-general of these duties or some other persons authorized by the commissioners to receive the same. S. MARRYATT.

Warrant to apprehend, and the commitment

Surry. Town and Liberty of Kingston upon Thames. To the constable of the parish of Thames Ditton, in the county of Surry, within the liberty of Kingston upon Thames, in the said county, and to the keeper of the house of correction at Kingston upon Thames aforesaid: Whereas Francis Rummeger, of the said parish, &c. &c. (reciting the conviction, mitigation of the penalty, and adjudication of costs as in the warrant of distress *verbatim*); and whereas by a certain warrant under my hand and seal, bearing date at the town of Kingston upon Thames aforesaid, the day of October now last past (the said two several sums of five pounds and four pounds then remaining wholly unpaid) I commanded you the said constable to levy the said two several sums by distress and sale of the goods of the said Francis Rummegar, within the liberty aforesaid, and to pay and distribute the same respectively, as in such warrant is directed; and whereas it duly appears to me by the return of you the said constable, dated this day, that no goods or chattels of the said Francis Rummeger can be found to answer the several sums of money by the said warrant directed to be levied, *these* are therefore to *command* you the said constable to apprehend the said Francis Rummeger, and convey him to the house of correction at Kingston upon Thames aforesaid, and there deliver him to the said keeper thereof, together with this warrant; and also to command you the said keeper of the

the said house of correction to receive the said Francis Rum-
 megar into your custody in the said house of correction, and
 there to keep him for the space of six months, unless the said
 several sums of five pounds and four pounds shall be sooner paid
 or satisfied, and for your so doing this shall be your sufficient
 authority. Given under my hand and seal, at the town of King-
 ston upon Thames aforesaid, the day of November, in the
 year of Our Lord 1789.

R. WESTROPE. (L. S.)
 S. MARRYATT.

INFORMATIONS ON STATUTES, RELATING TO EXCISE, &c.

BY

THE ATTORNEY GENERAL.

ASSAULT, RIOT, RESCUE.

THAT one John Davis, one of the officers of and for his majesty's duties of excise, having cause to suspect that foreign spirituous liquors were found fraudulently hid and concealed in some place or places in or about the houses of Charles Row, John Widdecombe, Samuel Mathews, and James Webber, situate within the parish of Pannington, in the county of Devon, with intent to defraud his majesty of the duties thereon, did go before Thomas Taylor, esquire, one of his majesty's justices, assigned to keep the peace of our said lord the king in and for the said county of Devon, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county of Devon committed, and did then and there make affidavit upon the holy Gospel of God, before the said justice, and in such affidavit upon his oath declare the ground of his suspicion as to the said hiding and concealing of the said foreign spirituous liquors, according to the form of the statute in that case made and provided; and thereupon the said Thomas Taylor, so being such justice as aforesaid, on the eighth day of November, in the year of Our Lord 1785, to wit, at Westminster aforesaid, in the said county of Middlesex, did, according to the form of the statute in that case made and provided, make and grant his warrant in writing under his hand and seal, reciting, that the said Joseph Davis, one of the officers of his majesty's duties of excise, &c. (recite the warrant), and for so doing that should be to him and every of them a sufficient warrant, by virtue of which said warrant the said John Davis, on the said eighth day of November, in the year aforesaid, in the presence of one John Perrott, he the said John Perrott then and there being a constable for the said parish of Pannington, did attempt to enter into the house of the said John Widdecombe, in the said warrant named, for the purpose of searching therein for the said foreign

For obstructing and hindering an excise officer (under a warrant with a constable) from entering a house to search for foreign spirits, by standing with a prong in his hand and threatening bodily harm to the officer if he attempted to enter.

Would it not have been better to have stated the attempt to enter to have been made in the day time (as it really was), and then it would have been unnecessary to state that the officer attempted to enter in the presence of a constable.

spirituous liquors so suspected to be concealed therein as aforesaid, according to the form of the statute in that case made and provided; yet one John Tucker, not regarding the statute aforesaid, did then and there obstruct, oppose, molest, let, and hinder the said John Davis, so being such officer as aforesaid, in the executing of the said warrant, and did hinder and prevent the said John Davis from entering the said house of the said John Widdecombe, in the said warrant named, for the purpose aforesaid, by then and there standing with a prong in his hand, and threatening and menacing to do bodily harm to him the said John Davis, if he should attempt to enter the said house of the said John Widdecombe for the purpose aforesaid, contrary to the form of the statute in that case made and provided, whereby and by force of the statute in that case made and provided, the said John Tucker hath forfeited for his said offence the sum of one hundred pounds,

G. Wood,

11.G.I.C.30.f.2.

For obstructing an excise officer under a warrant to search for foreign brandy hid and concealed, in entering the house where he suspected the brandy was,

THAT Joseph Cooper, one of the officers of his majesty's duties of excise, having cause to suspect that foreign brandy and rum were fraudulently hid and concealed in some place or places in or about the house of Susannah Hawkin, at Stow, in the parish of Kilkhampton, within the county of Cornwall, with an intent to defraud his majesty of his duties thereon, did go before John Kingdon, esquire, one of his majesty's justices assigned to keep the peace of our said lord the king in and for the said county of Cornwall, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county of Cornwall committed, and did then and there make affidavit upon the holy Gospel of God before the said justice, and in such affidavit did upon his oath declare the ground of his suspicion as to the said hiding and concealing of the said brandy and rum, according to the statute in that case made and provided; and thereupon the said John Kingdon, so being such justice as aforesaid, on the twenty-eighth day of February, in the year of Our Lord 1786, to wit, at Westminster, in the county of Middlesex, did according to the form of the statute in that case made and provided, make and grant his warrant in writing, under his hand and seal, reciting, that the said Joseph Cooper, one of the officers of his majesty's duties of excise, &c. (recite the warrant), and for so doing that should be to him and every of them a sufficient warrant, by virtue of which said warrant the said Joseph Cooper, on the said twenty-eighth day of February, in the year aforesaid, did in the day time go to the house of the said Susannah Hawkin, in the said warrant named, for the purpose of entering into such house and searching therein for the said brandy and rum so suspected to be hid and concealed therein as aforesaid, and seizing such brandy and rum, according to the statute in that case made and provided; yet one Edward Hockin,

not

not regarding the statute aforesaid, did then and there obstruct, oppose, molest, let, and hinder the said Joseph Cooper from entering the said house of the said Susannah Hawkin, in the said warrant named, for the purpose aforesaid, and from executing such warrant, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said Edward Hockin hath forfeited for his said offence the sum of one hundred pounds, 11.G.1.c.20.14.

G. WOOD.

THAT one B. L. one of the officers of and for his majesty's duties of excise, having cause to suspect that two casks of foreign smuggled spirituous liquors were fraudulently hid and concealed in some place or places in or about the house of J. W. of, &c. in the parish of, &c. in the county of, &c. with an intent to defraud his majesty of the duties thereon, did go before J. R. esquire, one of his majesty's justices assigned to keep the peace of our said lord the king in and for the said county of Kent, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county of K. committed, and did then and there make affidavit, &c.; and thereupon the said J. R. so being such justice as aforesaid, on, &c. at, &c. did, according to the form of the statute in that case made and provided, make and grant his warrant in writing, under his hand and seal, reciting, that the said B. L. one of the officers of his majesty's duties of excise, &c. (recite the warrant), and for so doing that should be to him and every of them a sufficient warrant, by virtue of which said warrant the said B. L. so being such officer as aforesaid, on, &c. at, &c. did in the day time go to the house of the said J. W. in the said warrant named, for the purpose of searching therein for the said smuggled spirituous liquors, so suspected to be concealed as aforesaid; yet the said J. W. not regarding the statute in that case made and provided, did on the day and year last aforesaid, at, &c. in, &c. obstruct, oppose, molest, and hinder the said B. L. so being such officer as aforesaid, in the entering into the said house of the said J. W. in the said warrant named, for the purpose in the said warrant mentioned, and did then and there hinder the said B. L. from entering into the said house, for the purpose in the said warrant mentioned, by then and there locking and fastening and keeping locked and fastened the outward door of and belonging to the said house of the said J. W. in the said warrant named, and then and there refusing to unlock and open the said outward door for the purpose in the said warrant mentioned, although then and there requested so to do by the said B. L.; whereby the said B. L. so being such officer as aforesaid, was obstructed, opposed, molested, let, and hindered from entering into the said house of the said J. W. in the said warrant named, for the purpose in the said warrant mentioned, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said Edward Hockin hath forfeited for his said offence the sum of one hundred pounds, 11.G.1.c.20.14.

ad Count.

For staying liquors which an officer of excise had sight of and was then and there about to seize, for being hid with intent to defraud the duty and hindering officer from seizing the same.

case made and provided, whereby and by force of the statute the said J. W. hath for his said offence forfeited and lost the sum of one hundred pounds : And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said B. L. so being such officer as aforesaid, afterwards, to wit, on, &c. at, &c. did go to the house of the said J. W. in order there to seize a quantity of foreign exciseable liquor called Geneva, which was then and there fraudulently hid and concealed, with an intent to defraud his majesty of the duties thereon, and which the said B. L. then and there had power and authority to seize for that cause, by virtue of the statute in that case made and provided; and the said B. L. then and there had sight of the said liquors, and was then and there instantly about to seize the same for the cause aforesaid, yet the said J. W. not regarding the statute in that case made and provided, did at the time when the seizure of the said foreign exciseable liquor called Geneva, was then and there about to be made, and in the sight and presence of the said B. L. stave, break, and otherwise destroy and damage the casks and vessels containing the said foreign exciseable liquor called Geneva, and did thereby hinder the said B. L. from seizing and securing

1. G. 1. c. 18. l. 25.

4d Count.

For staying liquors which had been seized as forfeited for non-payment of duties.

such foreign exciseable liquor, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said J. W. hath for his said last-mentioned offence forfeited and lost the further sum of forty pounds. And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the here court to understand and be informed, that the said B. L. so being such officer as aforesaid, afterwards, to wit, on, &c. at, &c. seized a large quantity, to wit, sixteen gallons of other foreign exciseable liquor called Geneva, for that the same were then and there fraudulently hid and concealed with an intent to defraud his majesty of his duties thereon, and as such might have been seized by the said B. L. by virtue of the statute in that case made and provided; yet the said J. W. not regarding the statute in that case made and provided, did at and after such seizure stave, break, and otherwise destroy the casks and vessels containing the said last-mentioned

2. G. 1. c. 18. l. 15.

4th Count.

For obstructing an officer in seizing a quantity of spirits which he was about to seize.

foreign exciseable liquor called Geneva, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said J. W. hath for his said last-mentioned offence forfeited and lost the further sum of forty pounds : And the said attorney general, who, &c. giveth, &c. that the said J. W. on, &c. at, &c. did resist, oppose, molest, obstruct, and hinder the said B. L. so being such officer as aforesaid, in the due seizing and securing a large quantity, to wit, sixteen gallons of foreign exciseable liquors called Geneva, which the said B. L. was then and there about to seize and secure, and which then and there might be secured and seized by the said B. L. by virtue of the statute in that case made and provided, for that the same foreign exciseable liquor was then and there fraudu-

fraudulently hid and concealed, with an intent to defraud his majesty of his duties thereon, contrary to the form of the statute 2 G. 1. c. 13. s. 12, in that case made and provided, whereby and by force of the statute in that case made and provided, the said J. W. hath for his said last-mentioned offence forfeited and lost the further sum of forty pounds.

G. WOOD.

THAT one W. H. being one of the officers of excise, after the twenty-fifth day of March 1722, and before the exhibiting of this information, to wit, on, &c. at, &c. had seized, as forfeited in pursuance of the statutes in that case made and provided, divers large quantities of foreign brandy, rum, and spirits, for that the same foreign brandy, rum, and spirits, being goods liable to the payment of customs and duties of excise to his said majesty, had been imported by certain merchants, to the said attorney general at present unknown, from parts beyond the seas into Great Britain, in a certain ship or vessel, or certain ships or vessels, to the said attorney general unknown, by way of merchandise, and had been unshipped with intent to be laid on land, and had been landed before the customs and duties of excise due to his said majesty for the same had been first paid or secured, contrary to the form of the statute in that case made and provided, by reason whereof the said brandy, rum, and spirits became forfeited, and as such might be seized by the said W. H. by virtue of the statute in that case made and provided; yet the said J. C. not regarding the statute in that case made and provided, to wit, on, &c. at, &c. did by force and violence attempt and endeavour to rescue the said brandy, rum, and spirits from the said W. H. so being such officer, as aforesaid, after the same had been seized by the said W. H. as aforesaid, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said J. C. hath for his said offence forfeited and lost the sum of forty pounds. And the said attorney general, who prosecuteth as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said W. H. being one of the officers of excise after the twenty-fifth day of March 1722, and before the exhibiting this information, to wit, on, &c. at, &c. in, &c. had seized as forfeited in pursuance of the statutes in that case made and provided, divers large quantities of foreign brandy, rum, and spirits, for that the same brandy, rum, and spirits being goods liable to the payment of customs and duties of excise to his said majesty, had been imported by certain merchants, to the said attorney general at present unknown, from parts beyond the seas, into Great Britain, in a certain ship or vessel, or certain ships or vessels, to the said attorney general unknown, by way of merchandise, and had been unshipped with intention to be laid on land, and had been landed before the customs and duties of excise due to his said majesty for the same had been first paid or secured contrary to the form of

Information for forcibly and violently attempting to rescue brandy which had been seized by an officer of excise, for having been imported without payment of the duty, from the officer.

2 G. 1. c. 15. s. 12.

2d Count.

For obstructing an officer of the customs in the securing a quantity of spirits which had been seized by an excise officer for importation without payment of duty.

the

the statute in that case made and provided, by reason whereof the said brandy, rum, and spirits became forfeited, and as such might be seized by the said W. H. by virtue of the statute in that case made and provided; and the said W. H. together with one R. S. one of the officers of the customs, were then and there duly securing the said brandy, rum, and spirits, by then and there removing the same to a place of safety; yet the said J. C. not regarding, &c. afterwards, to wit, on, &c. at, &c. did with force and arms, assault, resist, oppose, molest, obstruct, and hinder the said R. S. so being such officer of the customs as aforesaid, in the due securing the said brandy, rum, and spirits, contrary to the form of, &c. whereby, &c.

R.G. 1.6.15.1.18.

G. WOOD.

Information against a dealer in brandy, &c. for refusing an officer, on request, by night, in the presence of a constable, from entering the warehouses used by the defendant for keeping brandy and spirits, to take an account of the quantity and quality then in stock.

THAT after the first day of August 1720, and before the day of exhibiting of this information, to wit, on, &c. and long before, at Westminster, in the county of Middlesex. one R. M. did become and was a seller of and dealer in brandy, and that the said R. M. being such seller of and dealer in brandy, had made a true and particular entry in writing of the several warehouses, storehouses, rooms, shops, cellars, vaults, and other places intended by him to be made use of for the keeping of brandy, rum, arrack, spirits, and strong waters, at the office of excise within the compass or limits thereof, where such respective warehouses, storehouses, rooms, shops, cellars, vaults, and other places were situated, according to the form of the statute in that case made and provided; and the said R. M. being such seller of and dealer in brandy, and having made such entry as aforesaid, one F. W. being an officer of his majesty's revenue of excise, on, &c. at, &c. in, &c. in the night time did request the said R. M. to permit the said F. W. in the presence of one T. W. then and there being a constable and lawful officer of the peace, then and there attending for that purpose, to enter all and every the said warehouses, storehouses, rooms, shops, cellars, vaults, and other places made use of by the said R. M. being such seller of and dealer in brandy as aforesaid, for keeping of brandy and other spirits, and by *tasting, gauging, and otherwise*, to take an account of the quantity and quality of such liquors as were then and there in the custody of the said R. M. being such seller of and dealer in brandy as aforesaid, according to the form of the statute in that case made and provided; yet the said R. M. did not nor would upon such request of the said F. W. permit the said F. W. in the presence of the said T. H. so being such constable as aforesaid, to enter the said warehouses, storehouses, &c. of the said R. M. for the purpose aforesaid, but wholly refused to permit the said F. W. in the presence of the said T. H. so being such constable as aforesaid, to enter the said warehouses, &c. for that purpose, and hindered the said F. W. from entering the same for that purpose, contrary to the form of the statute in that case made

made and provided, whereby, and by force of the said statute, the said R. N. hath forfeited the sum of fifty pounds.

G. WOOD.

THAT after the twenty-fourth day of June 1725, and before the exhibiting this information, to wit, on, &c. A.D. 1786, a certain ship or vessel being within the limits of a port of this kingdom, to wit, at, &c. in, &c. one T. M. being one of the officers of his majesty's revenue of excise, on, &c. at, &c. did go on board the said ship or vessel, to rummage and search therein, in like manner as the officers of customs might legally do at the time of passing an act of parliament made in the eleventh year of the reign of his late majesty king George the First, entitled "An act for the more effectually preventing Frauds and Abuses in the public Revenues, for preventing Frauds in the Salt Duties, and for giving Relief for Salt used in the curing of Salmon and Codfish, in the Year 1719, exported from that Part of Great Britain called Scotland, for enabling the Insurance Companies to plead the general Issue in Actions brought against them, and for securing the Stamp Duties upon Policies of Insurance," for arrack, rum, spirits, or strong waters, or other exciseable liquors whatsoever; and for coffee, tea, cocoa nuts, chocolate, and cocoa paste, as it was lawful for him to do, which might have been clandestinely and collusively imported into the kingdom of Great Britain, from parts beyond the seas, without the payment of the duties by law chargeable on the same, and was then and there about to rummage and search for all such brandy, rum, &c. coffee, &c. accordingly; yet one W. S. well knowing the premises aforesaid, and not regarding the statute in that case made and provided, on, &c. at, &c. did obstruct, oppose, molest, let, and hinder the said T. G. so being such officer as aforesaid, from rummaging and searching the said ship or vessel for the purpose aforesaid, and did thereby then and there hinder and prevent the said T. G. from rummaging and searching as aforesaid, contrary to the form of the statute in that case made and provided; whereby, and by force of the said statute, the said W. S. hath for his said offence forfeited and lost the sum of one hundred pounds: And the said attorney-general, who prosecutes as aforesaid, doth on behalf of his said majesty give the court here to understand and be informed, that after the twenty-fourth day of June, 1725, and before the day of exhibiting of this information, to wit, on, &c. a certain ship or vessel being within the limits of a port of this kingdom, to wit, at, &c. in, &c. the said T. G. by one G. S. his servant in that behalf, he the said T. G. being then and there present, did attempt to rummage and search the said ship or vessel, in like manner as the officers of the customs might legally do at the time of passing the said act of parliament made and passed in the said eleventh year of the reign of his late majesty, king George the First, for arrack, rum, &c. as it was lawful for him to do; yet the said W. S. well knowing the premises, and not regarding

Information for an officer in rummaging a ship in the same manner as the officers of customs might do for brandy, &c. which might have been clandestinely imported therein.

13. & 14. Car. 2.
6. 11. f. 4. 12.
Geo. 1. c. 30.
f. 1 & 2.

2d Count.
That an officer of excise, by his servant, attempted to rummage a ship in the like manner as the officer of customs might do. For obstructing the officer and his servants from rummaging, &c.

regarding the statute in that case made and provided, on, &c. at, &c. did obstruct, &c. the said T. G. so being such officer as aforesaid, and his said servant in that behalf, from rummaging and searching the said ship or vessel, for arrack, rum, &c. and did prevent the said T. G. from rummaging and searching for the same
 25 & 24. Car. 2. as aforesaid, contrary to the form of, &c. whereby, and by force of, &c.
 c. 11. f. 4. 11.
 Geo. 1. c. 30.
 & 2. & 2.

GEORGE WOOD.

Information against distillers, for their servant wilfully obstructing an excise officer, on producing his commission, from having free ingress by night to the entered still-house, where utensils for distilling were standing, and, for obstructing, on producing commission, in having ingress to the still-house, where utensils, &c. were standing. 3d, Same as 2d, only on another day. (a) 26. Geo. 3. c. 73. f. 4.

THAT the defendants, at the time of the committing of the offences hereafter-mentioned, were distillers and makers of low wines and spirits, to wit, at, &c. in, &c. and being such distillers and makers of low wines and spirits, after the first day of August 1786, and before the day of exhibiting this information, to wit, on, &c. they the said defendants by one J. H. a workman and servant belonging to them the said defendants, did then and there wilfully obstruct one W. B. he the said W. B. then and there being an officer of excise, on the said W. B.'s then and there producing his commission as such officer, from having free ingress by night by the usual and most accustomed door and passage, into the entered still-house, and other places where utensils for brewing, fermenting and distilling, were standing, belonging to the said defendants, so being such distillers and makers of low wines and spirits as aforesaid, contrary to the form of the statute (a) in that case made and provided; whereby, and by force of the said statute, the said defendants have forfeited for the said offence the sum of two hundred pounds: And the said attorney-general, who prosecutes as aforesaid, doth, on behalf of his said majesty, further give the court here to understand and be informed, that the said defendants being such distillers and makers of low wines and spirits as aforesaid, between the times aforesaid, to wit, on, &c. at, &c. did wilfully obstruct the said W. B. so being such officer as aforesaid, on the said W. B. then and there producing his commission as such officer as aforesaid, from having free ingress by night by the usual and most accustomed door or passage, into the entered still-house, and other places where utensils for brewing, fermenting and distilling, were standing, belonging to the said defendants, so being such distillers and makers of low wines and spirits as aforesaid, contrary to the form of, &c. And the said attorney-general, &c. (This Count same as the last, only the offence was on another day.)

G. WOOD.

Information against a distiller's servant for obstructing an officer of excise in the seizing and securing a quantity of spirits, for being carried without a permit.

THAT one T. H. being an officer of excise, after the first day of June 1720, and before the exhibiting of this information, to wit, on, &c. at, &c. was about to seize and secure a horse and cart, and a large quantity, to wit, two hundred gallons of British-made spirituous liquors in the said cart; for that the said

spirituous

spirituous liquors, the same exceeding the quantity of one gallon; were then and there found carrying from one part of this kingdom to another, without any permit or certificate first had and obtained from some or one of the officers of his majesty's customs or excise, signifying the quality and quantity thereof, and that his majesty's duties, chargeable thereon, had been duly paid or satisfied, or that the same had been condemned as forfeited, or was part of the stock of some importer, distiller, maker, or seller of or dealer in arrack, brandy, rum, spirits, or strong waters, of 6. Geo. 1. c. 21. which an account had been taken, pursuant to the act of parliament in that case made and provided, contrary to the form of the statute in that case made and provided; and for that the said horse and cart were then and there used in the removing, carrying, and conveying the said spirituous liquors as aforesaid, contrary to the statute in that case made and provided, as it was lawful for him to do; yet a certain workman or servant, whose name is to the said attorney-general at present unknown, belonging to one R. C. and being then and there employed by the said R. C. in the removal of the said spirituous liquors as aforesaid, he the said R. C. then and there being a distiller of low wines and spirits, afterwards, to wit, on, &c. at, &c. did obstruct, assault, resist, oppose, molest, and hinder the said T. H. so being such officer as aforesaid, in the seizing and securing the said last-mentioned spirits, contrary to the form of the statute in that case made and provided; whereby, and by force of the said last-mentioned statute, the said R. C. hath forfeited and lost the sum of fifty pounds: And the said attorney-general, who prosecutes as aforesaid, doth, on behalf of his said majesty, further give the court here to understand and be informed, that the said T. H. so being such officer as aforesaid, after the twenty-ninth day of September 1783, and before the exhibiting of this information, to wit, on, &c. at, &c. had seized, and was about to secure a certain horse and cart, containing a large quantity, to wit, two hundred gallons of British-made spirituous liquors; for that the said horse and cart were then and there used and employed in the removing, carrying, and conveying the said quantity, to wit, two hundred gallons of British-made spirituous liquors from one part of this kingdom to another part thereof of the said British-made spirituous liquors, so removing, carrying, and conveying, not then being accompanied with authentic permits or certificates, or an authentic permit or certificate from some or one of the officers of his majesty's revenue of excise, as by the statute in such case made and provided is directed to accompany the same, when removing as aforesaid, as it was lawful for him to do; yet a certain workman or servant, who then and there had the care, conduct, and management of the said horse and cart, such workman then and there belonging to said the R. C. so being such distiller of low wines and spirits as aforesaid, and being then and there employed by the said R. C. in removing such spirituous liquors as aforesaid, afterwards, to wit, on, &c. did obstruct, &c.

the

23. Geo. 3. c. 70.
L. 15.

26. Geo. 3. c. 73.
L. 71.

2d Count.
For obstructing the officer from seizing a horse and cart, that were carrying liquors without a permit.

INFORMATIONS. EXCISE.

the said T. H. &c. so being such officer as aforesaid, in the seizing and securing the said horse and cart with the said liquors, and
 26. Geo. 3. c. 73. rescued the same, contrary to the form of the statute in that case
 1. 71. made and provided; whereby, and by force of the said last-mentioned statute, the said R. C. hath forfeited and lost, for his said last-mentioned offence, the further sum of two hundred pounds.

GEORGE WOOD.

I very much doubt whether this is a own case within the 22 G. 3. c. 73. My opinion is that it is not, because I think to bring a person within this law the officer must be in the execution of some power or authority peculiarly relating to distillers, rectifiers, or compounders of

spirits, or to dealers in spirits or strong waters, and not in the execution of a general authority, applying to every body, whether distiller, &c. or not, which appears to me to be the perfect case.

GEORGE WOOD.

Information for obstructing an officer of excise in taking a sample of rum, which had been delivered out of the bonded warehouse for exportation. —
 2d. Same as the first, but stating the request for delivery out of bond by another person.

33 Geo. 2. c. 28.
 1. 11.

ad Count

THAT after the sixteenth day of June 1760, and before the day of exhibiting this information, to wit, on, &c. A. D. 1786, to wit, at, &c. in, &c. a quantity, to wit, fifty casks of rum and spirits, of the growth, produce, and manufactory of the British sugar plantations, in America, at the desire of W. T. and R. J. were delivered out of the warehouse in which the same had been lodged and deposited, by virtue of and in pursuance of the statutes in that case made and provided, in order to be exported as merchandize to parts and places beyond the seas; and the said W. T. and R. J. were then and there desirous of shipping the said rum and spirits for exportation as aforesaid, whereupon one G. T. being an officer of excise, in pursuance of the statute in that case made and provided, after the deficiency of such rum and spirits from such warehouse as aforesaid, and before the shipping thereof for exportation, to wit, on, &c. at, &c. was desirous to take, and then and there attempted to take a sample (not exceeding one pint in the whole out of each cask) out of divers of the casks containing such rum and spirits; yet the said R. J. not regarding the statute in that case made and provided, afterwards, to wit, on, &c. at, &c. did obstruct and hinder the said G. T. so being such officer as aforesaid, in taking such samples out of the said casks containing the said rum and spirits as aforesaid, contrary to the form of the statute in that case made and provided; whereby, and by force of the said statute, the said R. J. forfeited for his said offence the sum of one hundred pounds: And the said attorney-general, who, &c. (Same as the 1st, only instead of W. T. and R. J. say, S. W.

GEORGE WOOD.

Information against a brandy-dealer, who had

THAT after the first day of August, 1720, and before the day of exhibiting of this information, to wit, on, &c. at, &c. in, made entry of his premises, by him intended to be used for keeping brandy, for obstructing by his servant an officer of excise from entering a cellar to take stock. 2d. For obstructing generally.

&c.

&c. one J. D. did become and was a seller of and dealer in brandy, and the said J. D. being such seller of and dealer in brandy had made a true and particular entry in writing of the several warehouses, storehouses, rooms, shops, cellars, vaults, and other places intended by him to be made use of for the keeping of brandy, arrack, rum, spirits, and strong waters at the office of excise within the compass or limits whereof such respective warehouses, storehouses, rooms, shops, cellars, vaults, and other places were situated, according to the form of the statute in that case made and provided; and the said J. D. so being such seller of and dealer in brandy, and having made such entry as aforesaid, on, &c. at, &c. in, &c. did by one J. T. (he the said J. T. then and there being the servant of the said J. D. then and there employed and entrusted by the said J. D. in the said warehouses, &c. in his said trade and business of a seller of and dealer in brandy) hinder and refuse one J. B. he the said J. B. then and there being an officer of his majesty's revenue of excise, to enter by day into a certain cellar, whereof the said J. D. had made such entry as aforesaid, and made use of by the said J. D. being such seller of and dealer in brandy as aforesaid, for keeping of brandy and other spirits to take an account of the quantity and quality of all such of the said liquors as were then and there in the cellar in the custody of the said J. D. being such seller of and dealer in brandy as aforesaid, as it was then and there lawful for the said J. B. to do, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said J. D. hath forfeited for his said offence the sum of fifty pounds: And the said attorney general, who, &c. doth, &c. that afterwards, within the time aforesaid, to wit, on, &c. at, &c. he the said J. D. did become and was a seller of and dealer in brandy, and being such seller of and dealer in brandy as aforesaid, had made true and particular entry in writing of the several warehouses, &c. intended by him to be made use of for the keeping of brandy, &c. at the office of excise within the compass or limits whereof such respective warehouses, &c. were situated, according to the form of the statute in that case made and provided: And the said J. D. so being such seller of and dealer in brandy as aforesaid, and having made such entry as aforesaid, on, &c. at, &c. did hinder and refuse the said J. B. so being such officer as aforesaid, to enter by day into, &c. &c. (as the first Count to the end.)

6. Geo. 1. c. 21.
 l. 14.
 2d Count.

G. Wood.

The 2d Count is drawn upon the idea that the act of the servant is the act of the master.

KENT. Be it remembered, that Richard Pepper Arden, esquire, attorney general of our present sovereign lord the king, who for our said lord the king in this behalf prosecuteth, in his Information at common law for obstructing officers of the customs in attempting to go on board a certain boat in which they suspected were prohibited or untaxed goods in order to secure the same.—For obstructing officers of the customs in the execution of their office.

VOL. IV.

C c

proper

proper person cometh here into the court of our said lord the king, before the king himself at Westminster, on Monday next, after the morrow of All Souls, in this same term, and for our sovereign lord the king giveth the court here to understand and be informed, that on the thirteenth day of October, in the twenty-sixth year of the reign of our said lord the king, at the parish of Saint Paul, Deptford, in the county of Kent, Robert Lee and James Edling, being officers of the customs of our said lord the king, duly constituted and appointed, did according to the duty of their said several and respective offices endeavour and attempt to go on board and search a certain vessel or boat on the river Thames, in the parish aforesaid, in the county aforesaid, in which the said Robert Lee and James Edling did suspect uncustomed or prohibited goods to be contained, in order to secure the same to and for the use of our said lord the king: And the said attorney-general of our said lord the king, for our said lord the king giveth the court here further to understand and be informed, that Richard Aventon, late of the parish of Saint Paul, Deptford aforesaid, in the said county of Kent, waterman, well knowing the premises, but having no regard for the laws and statutes of this realm, and unlawfully devising, contriving, and intending to cheat and defraud our said lord the king in his revenue, afterwards, that is to say, on the thirteenth day of October, in the twenty-sixth year of the reign of our said present sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth, with force and arms, at the parish of St. Paul, Deptford, aforesaid, in the said county of Kent, in and upon them the said Robert Lee and James Edling, being then and there such officers of the customs of our sovereign lord the king, duly constituted and appointed aforesaid, and being then and there in the peace of God and of our said lord the king, and being also then and there in the due execution of their said several and respective offices as aforesaid, did unlawfully and violently make an assault on them the said Robert Lee and James Edling in attempting and endeavouring to go on board and search the said vessel or boat in order to find out and discover if any prohibited or uncustomed goods were then contained therein as aforesaid, did then and there, with force and arms, unlawfully, violently, and forcibly hinder, obstruct, oppose, resist, molest, and abuse, and did then and there by force and violence wholly prevent the said Robert Lee and James Edling from going on board and searching the said vessel or boat for the purpose aforesaid, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the said attorney general of our said lord the king, for our said lord the king giveth the court here further to understand and be informed, that he the said Richard Aventon, afterwards, that is to say, on the thirteenth day of October, in the twenty-sixth year of the reign of our said lord the king, with force

force and arms, at the parish of Saint Paul, Deptford, aforesaid, in the said county of Kent, then the said Robert Lee and James Edling being then and there such officers of the customs of our said lord the king, duly constituted and appointed as aforesaid, and being then and there in the peace of God and of our said lord the king, and being also then and there in the due execution of their said several and respective offices, did unlawfully, violently, and forcibly hinder, obstruct, resist, oppose, molest, and abuse, in contempt of our said lord the king and his laws, in diminution of the revenue of the customs of our said lord the king, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity; whereupon the said attorney-general of our said lord the king, who for our said lord the king in this behalf prosecuteth for our said lord the king, prayeth the consideration of the court here in the premises, and that due process of law may be awarded against him the said Richard Aventon in this behalf to make him answer to our said lord the king, touching and concerning the premises aforesaid.

Kent. Be it remembered, that Richard Pepper Arden, esquire, late attorney general of our present sovereign lord the king, who for our said lord the king in this behalf prosecuteth, in his proper person came here into court of our said lord the king, before the king himself at Westminster, on Monday next, after the morrow of All Souls, in the twenty-seventh year of the reign of his present majesty, and for our said lord the king brought into the court of our said lord the king, before the king himself, then and there a certain information against Richard Aventon, late of the parish of Saint Paul, Deptford, in the county of Kent, waterman; which said information follows in these words, that is to say: Kent. Be it remembered, &c. (set out the whole of the information); wherefore the sheriff of the said county of Kent was commanded that he should not forbear by reason of any liberty in his bailiwick, but that he should cause to come to answer to our said lord the king, touching and concerning the premises aforesaid: And now, that is to say, on Friday next after the morrow of All Souls in this same term, before our said lord the king at Westminster, cometh the said Richard Aventon, by John Ware, his clerk in court, and having heard the said information read, he saith that he is not guilty thereof; and hereupon he putteth himself upon the country, and Sir Archibald Macdonald, knight, now attorney general of our said lord the king, who for our said lord the king in this behalf prosecuteth doth the like.

Issue on the plea of not guilty, in the time of succeeding information preferred by the late attorney general.

Plea.

KENT, to wit. Be it remembered, that Richard Pepper Arden, esquire, attorney general for our present sovereign lord the king, who for our said lord the king in this behalf prosecuteth, in his proper person cometh here into the court of our said lord the king, touching and concerning the premises aforesaid: And now, that is to say, on Friday next after the morrow of All Souls in this same term, before our said lord the king at Westminster, cometh the said Richard Aventon, by John Ware, his clerk in court, and having heard the said information read, he saith that he is not guilty thereof; and hereupon he putteth himself upon the country, and Sir Archibald Macdonald, knight, now attorney general of our said lord the king, who for our said lord the king in this behalf prosecuteth doth the like.

For assaulting a custom-house officer and his assistants, and obstructing them in the execution of their office.

the king, before the king himself at Westminster, on Wednesday next, after fifteen days from the feast-day of Easter, in this same term, and for our said lord the king giveth the court here to understand and be informed, that William North, late of the parish of Saint Paul, Deptford, in the county of Kent, labourer, and Richard Aventon, late of the same place, labourer, having no regard for the laws and statutes of this realm, and unlawfully devising, contriving, and intending to cheat and defraud our said lord the king in his revenue of the customs, on the fifth day of May, in the twenty-sixth year of the reign of our said present sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth, with force and arms, at the parish of St. Paul, Deptford, aforesaid, in the county of Kent, in and upon John Barnes, being then and there one of the officers of the customs of our said lord the king, duly constituted and appointed, and being then and there in the due execution of his said office, and also in and upon Andrew Borgefon and Thomas Sheriff, being then and there acting in the aid and assistance of the said John Barnes, they the said John Barnes, Andrew Borgefon, and Thomas Sheriff, being then and there in the peace of God and of our said lord the king, did unlawfully and violently make an assault; and him the said John Barnes, in the due execution of his said office, and also the said Andrew Borgefon and Thomas Sheriff being then and there acting in the aid and assistance of the said John Barnes in the due execution of his said office, did then and there, with force and arms, unlawfully, violently, and forcibly hinder, obstruct, resist, oppose, molest, and abuse, and other wrongs to the said John Barnes, Andrew Borgefon, and Thomas Sheriff, they the said William North and Richard Aventon then and there, with force and arms, unlawfully and violently did to the great damage of the said John Barnes, Andrew Borgefon, and Thomas Sheriff, in contempt of our said lord the king and his laws, in diminution of the revenue of the customs of our said lord the king, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

HAMPSHIRE, to wit. Be it remembered, that Richard Pepper Arden, esquire, attorney general of our present sovereign lord the king, who for our said lord the king in this behalf prosecuteth, in his proper person came here into court of our said lord the king, before the king himself at Westminster, on Tuesday next after the morrow of All Souls last past, and for our said lord the king brought into the court of our said lord the king, before the king himself, then and there a certain information against John Carter, late of Cowes, in the Isle of Wight, in the same and obstructing the officer and rescuing the seizure,

county

county of Southampton, labourer, which said information followeth in these words, that is to say: Hampshire. Be it remembered, that Richard Pepper Arden, esquire, attorney general of our present sovereign lord the king in this behalf, who for our said lord the king prosecuteth, in his proper person cometh here into the court of our said lord the king, before the king himself at Westminster, on Tuesday next after the morrow of All Souls, in this same term, and for our said lord the king giveth the court here to understand and be informed, that on the twenty-seventh day of November, in the twenty-seventh year of the reign of our said lord the king, at Cowes, in the Isle of Wight, in the county of Southampton, John Grimes, being one of the officers of the customs of our said lord the king, duly constituted and appointed, did according to the duty of his said office, in due manner take and seize to and for the use of our said lord the king a great number of casks, to wit, thirty-two casks, containing a large quantity of foreign brandy and spirits commonly called Geneva, to wit, ten gallons and more of spirits commonly called Geneva, being of the value of forty shillings and upwards of lawful money of Great Britain, which said foreign brandy and spirits commonly called Geneva, and also the casks containing the same might then be lawfully seized by the said J. G. such officer as aforesaid, by virtue of a certain act of parliament then and still in force, and was then and there proceeding to secure the same to and for the use of our said lord the king, to wit, at Cowes aforesaid, &c. &c. : And the said attorney general of our said lord the king, for our said lord the king giveth the court here further to understand and be informed, that John Carter, late of Cowes, &c. &c. labourer, together with divers other persons whose names are at present unknown to the said attorney general, well knowing the premises, but having no regard for the laws and statutes of this realm, nor the penalties and forfeitures therein and thereby made and provided, and unlawfully devising, contriving, and intending to cheat and defraud our said lord the king in his revenue of customs, afterwards, that is to say, since the twenty-fifth day of March, which was in the year of Our Lord 1772, to wit, on the said twenty-seventh day of November, in the twenty-seventh year of the reign of our said present sovereign lord George the Third, by the grace of God of Great Britain, France, and Ireland, king, defender of the faith, and so forth, with force and arms, at Cowes aforesaid, &c. &c. in and upon him the said John Grimes, being then and there such officer of the customs of our said lord the king, duly constituted and appointed as aforesaid, and being then and there in the peace of God and of our said lord the king, and being also then and there in the due execution of his said office as aforesaid, did unlawfully and violently make an assault, and him the said John Grimes in the due execution of his office, in the due securing to and for the use of our said lord the king the aforesaid casks, containing such

§ Anne. c. 7.
c. 7.

large quantities of foreign brandy, and spirits commonly called Geneva as aforesaid, did unlawfully, violently, and forcibly resist, oppose, molest, obstruct, and hinder, and that he the said John Carter, and the said other persons whose names are unknown as aforesaid, sixteen of the aforesaid casks, containing a large quantity of foreign brandy, and spirits commonly called Geneva, to wit, five gallons and more of French brandy, and five gallons and more of spirits commonly called Geneva, after such seizure thereof by the said John Grimes as aforesaid, being then and there in the legal custody and possession of the said John Grimes, as such officer as aforesaid, and by him then and there detained, and intended to have been secured to and for the use of our said lord the king, out of the custody and possession of the said John Grimes, against the will and without the consent of the said J. G. did then and there unlawfully, and by force and violence, take and rescue, and cause and procure to be rescued, and other wrongs to the said J. G. he the said J. G. and the said other persons whose names are unknown as aforesaid, then and there, with force and arms, unlawfully and violently did to the great damage of the said J. G. in contempt of our said lord the king and his laws, in diminution of the revenue of the customs of our said lord the king, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity, and also against the form of the statute in such case made and provided; by reason whereof, and by force of the same statute, he the said John Carter hath forfeited and lost the sum of forty pounds of lawful money of Great Britain: And the said attorney-general of our said lord the king, for our said lord the king giveth the court here further to understand and be informed, that on the said twenty-seventh day of November, in the twenty-seventh year of the reign of our said lord the king, at Cowes aforesaid, &c. &c. J. G. being such officer of the customs of our said lord the king, duly constituted and appointed as aforesaid, did according to the duty of his said office, in due manner take and seize, as forfeited to our said lord the king, a certain large quantity of foreign spirits, to wit, ten gallons and more, being of the value of twenty shillings and upwards of lawful money of Great Britain, which might then lawfully be seized by the said J. G. as such officer as aforesaid, by virtue of a certain act of parliament then and still in force, and was then and there proceeding to secure the same to and for the use of our said lord the king, to wit, at Cowes aforesaid, &c. &c.: And the said attorney-general of our said lord the king, for our said lord the king, giveth the court here further to understand and be informed, that he the said John Carter, together with divers other persons whose names are at present unknown to the said attorney-general of our said lord the king, afterwards, that is to say since the said twenty-fifth day of March, which was in the year of Our Lord 1772 to wit, on the said twenty-seventh day of November, in the twenty-seventh year of the reign of our said lord the king, with force and arms,

2. Geo. 1. c. 18.
s. 25.

2d Count, for
rescuing brandy
and Geneva
which had been
seized by a cus-
tom house offi-
cer, and which
he was about to
secure.

arms, at Cowes aforesaid, in the Isle of Wight, in the county of Southampton aforesaid, in the aforesaid large quantity of foreign spirits last mentioned, after such seizure thereof by the said John Grimes as aforesaid, being then and there in the legal custody and possession of the said J. G. as such officer as aforesaid, and by him then and there detained and intended to have been secured to and for the use of our said lord the king out of the custody and possession of the said J. G. against the will and without the consent of him the said J. G. did unlawfully and by force and violence take and rescue, and cause and procure to be rescued, in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, in diminution of the revenue of the customs of our said lord the king, and against the peace of our said lord the king, his crown and dignity, and also against the form of the statute in such case made and provided; by reason whereof, and by force of the same statute, he the said John Carter hath forfeited and lost another sum of forty pounds of lawful money of Great Britain: And the said attorney general of our said lord the king, for our said lord the king giveth the court here further to understand and be informed, that he the said J. Carter afterwards, that is to say, since the said twenty-fifth day of March, which was in the said year of Our Lord 1772, to wit, on the said twenty-seventh day of November, in the twenty-seventh year of the reign of our said lord the king, with force and arms, at Cowes aforesaid, &c. &c. him the said J. G. being then and there such officer of the customs of our said lord the king duly constituted and appointed as aforesaid, and being then and there in the peace of God and of our said lord the king, and being also then and there in the due execution of his said office, in the due securing to and for the use of our said lord the king a certain other large quantity of foreign brandy, to wit, five gallons or more, being of the value of ten shillings and upwards of lawful money of Great Britain, which said last-mentioned brandy might then be lawfully seized by the said J. G. as such officer as aforesaid, by virtue of a certain act of parliament then and still in force, and which had then lately been before in due manner seized by him the said J. G. as forfeited to our said lord the king, did unlawfully, violently, and forcibly resist, oppose, molest, obstruct, and hinder, in contempt of our said lord the king and his laws, to the evil, &c. (as before); by reason whereof, &c. Whereupon the said attorney general of our said lord the king, for our said lord the king in this behalf prosecuteth for our said lord the king, praying the consideration of the court here in the premises, and that due process of law may be awarded against the said J. G. in this behalf, to make him answer to our said lord the king touching and concerning the premises aforesaid.

3d Count, for obstructing a custom house officer in securing a seizure of brandy and Geneva.

Trinity Term, 30. & 31. Geo. II.

Information at the suit of the attorney general against defendants for an assault on an excise officer, and for taking from him two instruments used in gauging, where-with they beat him, and for throwing him down, kicking, and beating him, by means of which he became dangerously ill.

- (1) "they the said"
 (2) "afterwards, that is to say,"
 (3) "said"
 (4) "the king"
 (5) "him the said"
 (6) "and being also then and there in the due execution of his said office,"

CORNWALL. Be it remembered, that Charles Pratt, esquire, attorney general for our present sovereign lord the king, who for our said present sovereign lord the king in this behalf prosecuteth, in his proper person cometh here into the court of our present sovereign lord the king, before the king himself, at Westminster, on Wednesday next after three weeks from the day of the Holy Trinity in this same term, and for our said present sovereign lord the king giveth the court here to understand and be informed, that (1) *W. W. late of, &c. W. D. late of, &c. W. S. late of, &c. W. P. late of, &c. M. J. late of, &c. and W. B. late of, &c.* (2) *being persons of wicked minds and of unruly and turbulent tempers and dispositions,* upon the (3) twenty-fifth day of June, in the thirty-first year of the reign of our said present sovereign lord (4) *George the Second, by the grace of God of Great Britain, &c.* with force and arms, at the parish of, &c. in the county of C. in, &c. upon (5) *B. W.* being then and there one of the officers of the excise of our present sovereign lord the king duly constituted and appointed, and being *then and there in the due execution of his said office, being also then and there in the peace of God and of our said present sovereign lord the king* (6), did unlawfully and violently make an assault and affray, and him the said *B. W.* they the said *W. W. &c. &c.* did then and there, with force and arms, unlawfully and violently beat, bruise, and treat so ill, that his life was greatly despaired of; *and also that they the said W. W. &c. &c. did then and there seize upon, and by force and violence take from him the said B. W. two rules or instruments used in gauging, and with the said two rules or instruments they the said W. W. &c. &c. did then and there, with force and arms, give to the said B. W. several grievous and dangerous blows and strokes upon his head, by reason and means of which said blows and strokes the head of him the said B. W. was then and there greatly hurt and bruised, and the said two rules or instruments were thereby then and there broke in pieces, spoiled, and rendered entirely useless; and also that they the said W. W. &c. &c. him the said B. W. did then and there, with great force and violence, cast down to the ground, and him the said B. W. being so thrown down on the ground as aforesaid, they the said W. W. &c. &c. did then, in a most barbarous, cruel, and inhuman manner, kick and beat him the said B. W. in and upon the legs, head, breast, and divers other parts of the body of him the said B. W. by the force and violence of which said kicking and beating, the legs, head, face, breast, sides, and other parts of the body of him the said B. W. were then and there greatly bruised and hurt, and were thereby made very bloody, and afterwards thereby became black, blue, and of a livid colour, and also by reason and means of the kicking and beating the said B. W. was then and there deprived of his senses, and for a long time afterwards, to wit, the space of two hours then next following and upwards, he the said *B. W.* remained and continued entirely senseless, and the next morning he voided and brought up a large quantity of blood at the mouth of him the said *B. W.* occasioned by the kicking and beating aforesaid;*

aforesaid; and also that be the said B. W. for a long time afterwards, to wit, for the space of ten days then next following, and upwards, was rendered entirely incapable of transacting his business or performing the duty of his said office; and also, that they the said W. W. &c. &c. &c. him the said B. W. being such officer as aforesaid, and being also then and there in the due execution of his said office as aforesaid (1), did then and there, with force and arms, unlawfully and violently hinder, obstruct, resist, oppose, molest, and abuse, and other mischiefs upon him the said B. W. they the said W. W. &c. &c. &c. did then and there, with force and arms, unlawfully and violently bring, to the great damage of him the said B. W. in contempt of our said present sovereign lord the king and his laws, in diminution of the revenue of the excise of our present sovereign lord the king, to the evil and pernicious example of all others in the like case offending, and also against the peace of our present sovereign lord the king, his crown and dignity: And the said attorney general of our present sovereign lord the king, for our present sovereign lord the king, giveth (go on same as the last, omitting what is in Italic, and inserting what is in the margin): And the said attorney general of our said present sovereign lord the king giveth the court, &c. &c. that they the said W. W. &c. afterwards, that is to say, upon the said twenty-fifth day of June, in the said thirty-first year of the reign of our present sovereign lord the king, with force and arms, at, &c. in and upon him the said B. W. being then and there one of the officers of the excise of our said present sovereign lord the king, and duly constituted and appointed as aforesaid, and being then and there in the peace of God and of our said present sovereign lord the king, and being also then and there in the due execution of his said office, did unlawfully and violently make an assault and affray, and him the said B. W. they the said W. W. &c. did then and there, with force and arms, unlawfully and violently beat, wound, and treat so ill, that his life was thereby greatly despaired of, and other mischiefs upon him the said B. W. they the said W. W. &c. &c. did then and there, with force and arms, unlawfully and violently bring, to the great damage of the said B. W. in contempt of our present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and also against the peace of our said present sovereign lord the king, his crown and dignity. (4th Count like the third in every respect, except that the words in Italic are omitted): whereupon the said attorney general of our said present sovereign lord the king, for our said present sovereign lord the king prayeth the consideration of the Court here in the premises, and that due process of law may be awarded against them the said W. W. &c. &c. in this behalf, to make them answer to our said present sovereign lord the king touching and concerning the premises aforesaid, &c. &c.

(1) "they the said W. W. &c."

2d Count.

3d Count.

SOMERSETSHIRE,

Information by the attorney-general against a publican, for assaulting excise-officers, and presenting a gun at them in his own house, which they had entered under two warrants of distress upon conviction for selling liquor unlicensed, stating the complaint before the justice, the testimony and conviction, and the warrants of seizure.

SOMERSETSHIRE; ff. Be it remembered, that Sir Dudley Ryder, knight, attorney general of our present sovereign lord the king, who for our present sovereign lord the king in this behalf prosecuted, in his proper person, cometh here into the court of our present sovereign lord the king, before the king himself, at Westminster, on Friday next after the morrow of the Holy Trinity in this same term, and for our said present sovereign lord the king giveth the court here to understand and be informed, that some time ago, that is to say, upon the fifteenth day of July, in the nineteenth year of the reign of our said present sovereign lord George the Second, by the grace of God of Great Britain, &c. at the parish of, &c. in the county of S. one W. H. of, &c. in the said county, one of the officers of excise of our said present sovereign lord the king, in his own proper person came before J. C. C. esquire, and the reverend J. B. clerk, two of the justices of our said present sovereign lord the king assigned to keep the peace of our said present sovereign lord the king in and for the county of S. aforesaid, and also to hear and determine divers felonies, trepASSES, and other misdemeanors committed within the said county, and then and there gave to them the said justices information and complaint, that J. B. of, &c. in the said county, dealer in brandy, within three months then last past, that is to say, on, &c. *in the eighteenth year of the reign of his said present majesty king George the Second, at, &c. in, &c.* had retailed distilled spirituous liquors, that is to say, *half a quarter of a pint of brandy*, without taking out such licence for that purpose as by the statutes in that behalf made he ought to have done, against the peace of our said present sovereign lord the king, his crown and dignity, and also against the form of the statute in such case made and provided : and that thereupon afterwards, that is to say, on, &c. in the nineteenth year aforesaid, at, &c. in, &c. *one J. H. of, &c. in, &c.* being a credible witness in that behalf, came before them the said justices, and took his corporal oath upon the Holy Evangelists to speak the truth of and concerning the premises specified in the said information (they the said justices having then and there sufficient power and authority to administer the said oath to the said J. H. in that behalf) ; and the said J. H. being so sworn as aforesaid, then and there, before the said justices, said, deposed, and swore of and concerning the premises contained in the said information, that on, &c. he the said J. H. had bought of the said J. B. *half a quarter of a pint of brandy* in his the said J. B.'s brandy-shop, at, &c. in, &c. ; and that he the said J. H. *drank off the same* in the said shop ; and that he the said J. H. then and there *paid to the son of him* the said J. B. twopence for the same : and that thereupon the said J. B. after having been duly summoned, and then appearing before them the said justices, upon the said ninth day, &c. at, &c. in, &c. and being then present, and having fully understood the said information and the said evidence thereupon given by the said J. H. was then and there asked by them the said justices if he had any thing to say for himself why he the said J. B. should not be convicted of the premises charged upon him in and
by

in the due execution thereof; but in case there could not be found sufficient to levy the sum last mentioned, then and in such case they, by a return of that warrant, were forthwith to certify the same to the said justices, which said warrant was then and there delivered to the said W. C. and T. B. to be executed in due form of law; and thereupon afterwards, to wit, on, &c. in the thirtieth year of the reign of our said lord the king, the said sum of twelve pounds ten shillings being and remaining wholly unpaid, the said W. C. and T. B. did by virtue of the said warrant go to the dwelling house, situate at, &c. within, &c. in, &c. and did then and there, by virtue and in execution of the said warrant proceed to levy the said sum of twelve pounds ten shillings, by seizing and taking the goods and chattels of the said W. J. then in the said dwelling house; and the said attorney general of, &c. for, &c. giveth the court here to understand and be informed, that D. T. late of, &c. W. K. late of, &c. R. T. late of, &c. well knowing the premises, but having no regard for the laws and statutes of this realm, and being rioters and disturbers of the peace of our said lord the king, and unlawfully devising, contriving, and intending to obstruct and impede the due course of law and justice, and to prevent the aforesaid sum of twelve pounds ten shillings from being levied on the aforesaid goods and chattels of the said W. J. together with divers other persons, whose names are at present unknown to the said attorney general, of, &c. on, &c. in the thirtieth year of, &c. by the grace of God of Great Britain, &c. with force and arms, at, &c. in the said North Riding of the said county of York, unlawfully, riotously, routously, and tumultuously did meet and assemble themselves together near to the said dwelling house of the said W. J. there situate, with intent to break and disturb the peace of our said lord the king, and to obstruct the said W. C. and T. B. so being such officers as aforesaid, in the due execution of their said offices and of the said warrant so made as aforesaid; and being so assembled and met together, did then and there make a very great noise, tumult, riot, and disturbance, and did then and there unlawfully, riotously, routously, and violently endeavour and attempt by force to enter the said dwelling house of the said W. J. in which the said W. C. and T. B. were then seizing and taking the goods and chattels of him the said W. J. by virtue of and in execution of the said warrant, and in and upon them, being then and there in the peace of God and our said lord the king, and being also then and there in the due execution of their said several and respective offices and of the said warrant, did then and there, with force and arms, unlawfully, &c. make an assault, and them the said W. C. and T. B. in the due execution of their said several and respective offices, and of the said warrant so made as aforesaid, did then and there, with force and arms, unlawfully, &c. hinder, obstruct, oppose, resist, molest, and abuse, and did threaten to kill and murder him the said W. C. and other wrongs to

of them, and such other person or persons as they the said R. R. J. B. and J. B. or either of them, should take to their assistance, were authorized and commanded, that they, every, or any of them, should levy upon the goods and chattels of the said J. B. the said sum of five pounds recovered against him the said J. B. by the said W. H. in the said warrant named, who prosecuted as well for our said present sovereign lord the king as for himself, for a certain offence alledged in the said warrant to have been committed by the said J. B. against the laws and statutes of excise, being the same offence whereof the said J. B. then stood convicted as aforesaid by the said first-mentioned conviction, before them the said J. C. C. and J. B. the justices aforesaid, and for levying thereof the said R. R. J. B. and J. B. or either of them, and such other person or persons as they the said R. R. J. B. and J. B. or either of them, should take to their assistance, were commanded by the said last-mentioned warrant to seize, take, and carry away the goods and chattels last-aforesaid; and if in fourteen days next after such seizure the same should not be then redeemed, that then and in such case, and after the expiration of the said fourteen days, they the said R. R. J. B. and J. B. or either of them, or any such person or persons as they the said R. R. J. B. and J. B. or either of them, should take to their assistance, were commanded by the said warrant to make sale thereof, or of so much thereof as would be sufficient to levy the said sum of five pounds; and when the same should be levied, they the said R. R. J. B. and J. B. or either of them, and such other person or person as they or either of them should take to their assistance, were also commanded by the said warrant forthwith to pay the same to the collector of excise for the collection called Taunton collection for the time being, to be by him applied and answered for according to the statute in such case made and provided; and if after levying thereof any overplus should remain of the said goods and chattels as aforesaid, of the money arising by sale thereof, that then the said R. R. J. B. and J. B. or either of them, or such person or persons as they or either of them should take to their assistance, should render such overplus to the said J. B.: and it was further commanded in and by the said warrant to all constables and headboroughs of the said county, and they were thereby required to be aiding and assisting to the said R. R. J. B. and J. B. or to either of them, or to such other person or persons as they or either of them should take to their assistance in the due execution of the said warrant; but in case there could not be found sufficient to levy the sum last-mentioned, then and in such case they the said R. R. J. B. and J. B. or either of them, and such person and persons as they or either of them should take to their assistance, a return of the said warrant, was commanded forthwith to certify the same to the said J. C. C. and J. B. the justices aforesaid; and by the other of the said warrants, they the said R. R. J. B. and J. B. and each and every of them, and such other person or persons as they the said R. R. J. B. and J. B. or either of them, should take to their assistance, were authorized and commanded, that they, every, or any of them, should levy upon the

by the said information ; and that forasmuch as the said J. B. then acknowledged to them the said justices that he had not such licence for, retailing spirituous liquors, as the statutes in that case made required ; and because it manifestly appeared to them the said justices (they having heard and fully understood all and singular the matters and things alledged by the said J. B. in his defence, that the said J. B. was guilty of the said premises specified in the said information, and charged upon him the said J. B. in and by the said information, in manner and form as in and by the said information had been alledged against him as aforesaid : therefore it was then and there considered and adjudged by them the said justices, that the said J. B. upon the evidence of the said *J. H.* (*being a credible witness, upon oath as aforesaid*), should be and was convicted of the matters and things alledged against him in and by the said information as aforesaid, according to the form of the statute in that case made and provided, and that he the said J. B. should forfeit the sum of ten pounds of lawful money of Great Britain ; which said forfeiture of ten pounds they the said justices did then and there mitigate and lessen to the sum of five pounds, to be distributed as the law in that case directed, as by the said record of conviction (relation being thereunto had) doth more fully appear : And the said attorney general of our said present sovereign lord the king, for our said present sovereign lord the king, giveth the Court here further to understand, that some time ago, that is to say, upon, &c. at, &c. in, &c. the said *W. H.* being then one of the officers of, &c. &c. (The information then states another complaint before the magistrates upon a charge against J. B. that he had retailed spirituous liquors, that is to say, *a dram glass of brandy, being under the quantity of two gallons*, without taking out such licence, and the conviction of the said J. B. upon the oath of one *J. P.* of the parish, &c. who swore that he had *seen bought* of J. B. a dram glass of brandy in his the said J. B.'s brandy shop, and that he *saw the same drank off* in the said shop, and then and there *saw paid* to him the said J. B. one penny for the same brandy : then states a mitigation of the penalty for the second offence from ten pounds to five pounds, as in the recital of the first charge, conviction, mitigation of forfeiture) : And the said attorney general of our said present sovereign lord the king giveth the Court here further to understand and be informed, that afterwards, that is to say, upon the said ninth day, &c. in the nineteenth year aforesaid, the said J. C. C. and J. B. the justices aforesaid, did, in consequence of the said several convictions, according to due form of law, make and issue out two several warrants in writing, under their hands and seals, bearing date upon the said ninth day, &c. in the nineteenth year aforesaid, and directed to the said constables and tithing-men of the county of S. and also to R. R. J. B. and J. B. (being three of the officers of excise of our said present sovereign lord the king, or to either of them, and to such other persons or person as they the said R. R. J. B. and J. B. or either of them, should take to their assistance : by one of which said warrants they the said R. R. J. B. and J. B. and each and every

ad Count.

of

the said house, he the said J. B. then and there following them the said J. A. and J. B. to the outer door of the said house into the king's common highway or street there, having at the same time the said gun so presented, levelled, and pointed at and towards them the said J. B. and J. A. as aforesaid; and that he the said J. B. did then and there, with force and arms, unlawfully, violently, and maliciously give him the said J. A. a violent blow upon the body of him the said J. A. by pushing the muzzle of the said gun against the back of him the said J. A.; by reason and means whereof, they the said J. B. and J. A. were then and there hindered and absolutely prevented from executing the said two several warrants, or either of them, for the intents and purposes for which the same were so made and issued out as aforesaid, and other mischiefs upon them the said J. A. and J. B. he the said J. B. did then and there, with force and arms, unlawfully and violently bring, to the great damage of them the said J. B. and J. A. in contempt of our said present sovereign lord the king and his laws, *to the manifest hindrance and obstruction of public justice*, to the evil and pernicious example of all others in the like case offending, and also against the peace of our said sovereign lord the king, his crown and dignity: And the said attorney general of, &c. for, &c. giveth, &c. that he the said J. B. afterwards, that is to say, upon, &c. in the nineteenth year aforesaid, with force and arms, in, &c. at, &c. in and upon them the said J. B. and J. A. being then and there two of the officers of the excise of our said present sovereign lord the king, and being also then and there in the due execution of their said several and respective offices, and being also then and there in the peace of God and of our said present sovereign lord the king, unlawfully and violently did make an assault and affray, and them the said J. B. and J. A. he the said J. B. did then and there, with force and arms, unlawfully and violently beat, wound, and treat so ill, that their lives were greatly despaired of, and also them the said J. B. and J. A. being also then and there in the due execution of their said several and respective offices as aforesaid, he the said J. B. did then and there, with force and arms, unlawfully, violently, and forcibly, hinder, obstruct, resist, oppose, abuse, and molest, and other, &c. (as in the conclusion of the first Count, only instead of the words, "*to the manifest hindrance and obstruction of public justice*," say, *in diminution of the revenue of excise of our said present sovereign lord the king*: And the said attorney general of, &c. for, &c. giveth, &c. that he the said J. B. afterwards, that is to say, upon, &c. in the nineteenth year aforesaid, with force and arms, at, &c. in, &c. in and upon them the said J. B. and J. A. being then and there in the dwelling-house of him the said J. B. and being also then and there in the peace of God and of our said present sovereign lord the king, unlawfully and violently did make an assault and affray, and them the said J. B. and J. A. he the said J. B. did then and there, with force and arms, unlawfully and violently beat, wound, and treat so ill, that their lives were greatly despaired of: and also, that he the said J. B. did then and there, with

3d Count.

force and arms, unlawfully, wickedly, and maliciously present, point, and level at and toward them the said J. B. and J. A. a certain other gun which he the said J. B. then and there had and held in his hands, he the said J. B. at the same time holding his finger on the ketcher or trigger thereof, ready to discharge and let off the same, and then and there in a most vehement and outrageous manner swearing and threatening that he the said J. B. would shoot them the said J. B. and J. A. if they did not immediately get out of his said house; upon which they the said J. B. and J. A. were then and there forced and obliged, for the preservation of their lives, to retire and get out of the said house, he the said J. B. then and there following them the said J. B. and J. A. to the outer door of the said house into the king's common highway or street there, having at the same time the gun so presented, levelled, and pointed at and toward them the said J. B. and J. A. in manner aforesaid; and that he the said J. B. did then and there, with force and arms, unlawfully, violently, and maliciously give him the said J. A. a violent blow upon the back of him the said J. A. by pushing the muzzle of the said gun against the back of him the said J. A. and other mischiefs upon them the said J. B. and J. A. &c. &c. (as in the conclusion to the two former Counts, omitting the words in *Italic*): And the said attorney general of, &c. for, &c. giveth, &c. that he the said J. B. afterwards, that is to say, upon, &c. in the nineteenth year aforesaid, in, &c. at, &c. in and upon them the said J. B. and J. A. being then and there in the peace of God and of our said present sovereign lord the king, unlawfully and violently did make an assault and affray upon them the said J. B. and J. A. he the said J. B. did then and there, with force and arms, unlawfully and violently beat, wound, and treat so ill, that their lives were greatly despaired of, and other, &c. (conclusion same as the 3d): Whereupon the said attorney general of, &c. for, &c. prayeth the consideration of the Court here in the premises, and that due process of law may be awarded against him the said J. B. in this behalf, to make him answer to our said present lord the king touching and concerning the premises aforesaid.

MIDDLESEX, *ff.* Be it remembered that R. A. esquire, attorney general of our present sovereign lord the king, who for our said lord the king in this behalf prosecuteth, in his proper person cometh here into the court of our said lord the king, before the king himself at Westminster, on Tuesday next after fifteen days from the day of Saint Hilary, in this same term, and for our said lord the king giveth the court here to understand and be informed, that T. K. late of, &c. S. K. late of, &c. otherwise, &c. called J. K. late of, &c. and G. O. late of, &c. together with one person whose name, at present, is unknown to the said attorney general of our said lord the king, having no regard for the laws and statutes of this realm, and unlawfully devising, contriving, and intending to cheat and defraud our said lord the king

Information for obstructing excise officers in the executing of their duty.

king in his revenue, on, &c. in the twenty-seventh year of the reign, &c. with force and arms, at, &c. in and upon G. S. and A. H. being then and there officers of the excise of our said lord the king, duly constituted and appointed, and being then and there in the peace of God and of our said lord the king, and being also then and there in the due execution of their several and respective offices, did unlawfully and violently make an assault upon them the said G. L. and A. H. did then and there, with force and arms, unlawfully and violently beat, wound, and treat so ill, that their lives were greatly despaired of, and also them the said G. L. and A. H. in the due execution of their several and respective offices did then and there, with force and arms, unlawfully, violently, and forcibly hinder, obstruct, resist, oppose, molest, and abuse; and that they the said T. K. &c. as aforesaid, with a certain iron shovel did then and there give and strike the said G. L. so being such officer as aforesaid, and in the due execution of his said office, divers violent and dangerous blows and strokes on the head of him the said G. L. and on divers parts of his body, by means whereof the said G. L. did then and there loose a great quantity of blood; and that they the said T. K. &c. on the said twenty-fifth day of December, in the twenty-seventh year of the reign, &c. with force and arms, at, &c. in and upon them the said J. D. and W. W. being also then and there officers of the excise of our said lord, &c. duly constituted and appointed, they the said G. L. A. H. J. D. and W. W. being then and there in the peace of God and of our said lord the king, and being also then and there in the due execution of their said several and respective offices, did unlawfully and violently make an assault, and them the said G. L. A. H. J. D. and W. W. did then and there, with force and arms, unlawfully and violently beat, wound, and treat so ill, that their lives were greatly despaired of; and also them the said G. L. A. H. J. D. and W. W. did then and there, with force and arms, unlawfully, violently, and forcibly hinder, obstruct, resist, oppose, molest, and abuse, and other wrongs to the said G. L. A. H. J. D. and W. W. they the said T. K. &c. then and there, with force and arms, unlawfully and violently did, to the great damage of the said G. L. &c. in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our sovereign lord the king, his crown and dignity.

Information against defendants for riotously assembling and making a noise near to and entering into the dwelling house of one W. J. and hindering W. C. and J. B. from executing a warrant on the goods of W. J. granted by two justices on a conviction for keeping eight gallons of smuggled brandy and assaulting them in the execution of their office, setting forth the conviction of the justices at length.

THE KING
against

KAY AND OTHERS.

YORKSHIRE, to wit. Be it remembered that Sir Archibald M'Donald, knight, attorney general of our present sovereign lord the king, who for our said lord the king in that behalf prosecuteth, in his proper person cometh here into the

court

Court of our said lord the king, before the king himself at Westminster, on Saturday next after the octave of Saint Hilary, in this same term, and for our said lord the king giveth the court here to understand and be informed, that on the eighth day of September 1789, D. R. collector of excise, as well for his said present majesty king George the Third as for himself, at, &c. in, &c. did exhibit to and before Sir F. W. baronet, and W. W. esquire, two of his majesty's justices of the peace for the said North Riding, a complaint and information, and thereby did inform them the said justices, that within three months then last past, that is to say, on, &c. then instant, at, &c. within the North Riding of the said county of York, one W. J. did knowingly harbour, keep, and conceal, and did knowingly permit and suffer to be harboured, kept, and concealed, divers run goods and merchandizes liable to the duties of excise and inland duties; that is to say, a large quantity of foreign brandy and foreign Geneva, to wit, eight gallons of foreign brandy and sixteen gallons of foreign Geneva, with the package containing the same, being of a large value, to wit, of the value of ten pounds, which foreign brandy and foreign Geneva had been unlawfully imported into this kingdom, and had been run and landed without entry and payment of the duties due and payable for the same, contrary to the form of the statute in such case made and provided, whereby and by force of the statute in that case made and provided the said W. J. had forfeited the said foreign brandy and Geneva and treble the value thereof, amounting, in the whole, to the sum of thirty pounds of lawful money of Great Britain; whereupon one W. C. being an officer of excise, did on, &c. then instant, then seize and arrest as forfeited the said eight gallons of foreign brandy and sixteen gallons of foreign Geneva, and the same did by force of the said statute become forfeited and lost; and thereupon the said D. R. who, as well for, &c. prayed the judgment of the said justices in the premises, and that he might have one moiety of the said forfeiture and penalty, according to the form of the statute in such case made, and that the said W. J. might be summoned to answer the said premises, and make defence thereto before the said justices; and thereupon afterwards, to wit, on, &c. at the house of Mr. John Taylor, being an inn or public house, known by the sign of the Black Swan, at, &c. within, &c. in, &c. being the time and place appointed by the said Sir W. F. and W. W. the justices aforesaid, for the hearing and determining the matters contained in the said information, the said W. J. then and there appeared before the said justices in his proper person, pursuant to their summons issued for that purpose, to answer and make defence in and to the matters contained in the said information, and having heard the same, the said W. J. was asked by the said justices what he could say for himself, why he should not be convicted of the premises, and why the said eight gallons of foreign brandy and sixteen gallons of

Information before a justice for concealing foreign spirits.

foreign Geneva should not be condemned as forfeited by the said justices, for the causes in the said information mentioned and contained; and thereupon he did deny the matters charged in the said information, and did say that he was not guilty of the same or any part thereof; whereupon they the said justices did then and there proceed to examine into the truth of the said complaint and information, and thereupon on, &c. at, &c. W. C. of, &c. in, &c. and T. B. of, &c. in, &c. officers of excise, two credible witnesses in that behalf, on the part of the said information came before the said justices in their proper persons, and upon their several and respective oaths on the holy Evangelists of God, then and there administered to them respectively and severally by the said justices (they the said justices having full power and authority to administer such oath to them in that behalf), they the said W. C. and T. B. severally and respectively in the presence and hearing of the said W. J. did depose and say in the premises as follows; and first the said W. C. for himself did say, that on, &c. [set out W. C.'s deposition as in the conviction], and the said T. B. for himself did say, that, &c. [set out his deposition, and so on to the end of the conviction], as by the record of the said condemnation and conviction may more fully appear: And the said attorney general of, &c. for, &c. further giveth the court here to understand and be informed, that the said W. J. did not pay the said sum of twelve pounds ten shillings, or any part thereof, and thereupon afterwards, to wit, on, &c. at, &c. the said Sir W. F. and W. W. being such justices as aforesaid, did make their certain warrant in writing, under their hands and seals, bearing date the same day and year last aforesaid, which said warrant was directed to the said W. B. and T. C. so being officers of excise, or either of them, and to such other person and persons as they or either of them should take to their assistance, and by the said warrant the said justices did authorize and command them and every or any of them upon the goods and chattels of the said W. J. they should levy the said sum of twelve pounds ten shillings recovered as aforesaid, and for levying thereof they were thereby ordered to seize, take, and carry away the goods and chattels aforesaid, and if within six days next after such seizure the said goods and chattels should not be redeemed, then and in such case, and after the expiration of the said six days, they were to make sale thereof, or of so much thereof as would be sufficient to pay the said sum of twelve pounds ten shillings, which, when levied, they were forthwith to pay to the collector of excise, for the collection called W. for the time being, to be by him applied and answered for according to the statute in such case made and provided; and if, after levying thereof, any overplus should remain of the goods and chattels as aforesaid, or of the money arising by the sale thereof, they were to render such overplus to the said W. J. and all constables and headboroughs of the said county were thereby required to be aiding and assisting them

Magistrates'
warrant.

in the due execution thereof; but in case there could not be found sufficient to levy the sum last mentioned, then and in such case they, by a return of that warrant, were forthwith to certify the same to the said justices, which said warrant was then and there delivered to the said W. C. and T. B. to be executed in due form of law; and thereupon afterwards, to wit, on, &c. in the thirtieth year of the reign of our said lord the king, the said sum of twelve pounds ten shillings being and remaining wholly unpaid, the said W. C. and T. B. did by virtue of the said warrant go to the dwelling house, situate at, &c. within, &c. in, &c. and did then and there, by virtue and in execution of the said warrant proceed to levy the said sum of twelve pounds ten shillings, by seizing and taking the goods and chattels of the said W. J. then in the said dwelling house; and the said attorney general of, &c. for, &c. giveth the court here to understand and be informed, that D. T. late of, &c. W. K. late of, &c. R. T. late of, &c. well knowing the premises, but having no regard for the laws and statutes of this realm, and being rioters and disturbers of the peace of our said lord the king, and unlawfully devising, contriving, and intending to obstruct and impede the due course of law and justice, and to prevent the aforesaid sum of twelve pounds ten shillings from being levied on the aforesaid goods and chattels of the said W. J. together with divers other persons, whose names are at present unknown to the said attorney general, of, &c. on, &c. in the thirtieth year of, &c. by the grace of God of Great Britain, &c. with force and arms, at, &c. in the said North Riding of the said county of York, unlawfully, riotously, routously, and tumultuously did meet and assemble themselves together near to the said dwelling house of the said W. J. there situate, with intent to break and disturb the peace of our said lord the king, and to obstruct the said W. C. and T. B. so being such officers as aforesaid, in the due execution of their said offices and of the said warrant so made as aforesaid; and being so assembled and met together, did then and there make a very great noise, tumult, riot, and disturbance, and did then and there unlawfully, riotously, routously, and violently endeavour and attempt by force to enter the said dwelling house of the said W. J. in which the said W. C. and T. B. were then seizing and taking the goods and chattels of him the said W. J. by virtue of and in execution of the said warrant, and in and upon them, being then and there in the peace of God and our said lord the king, and being also then and there in the due execution of their said several and respective offices and of the said warrant, did then and there, with force and arms, unlawfully, &c. make an assault, and them the said W. C. and T. B. in the due execution of their said several and respective offices, and of the said warrant so made as aforesaid, did then and there, with force and arms, unlawfully, &c. hinder, obstruct, oppose, resist, molest, and abuse, and did threaten to kill and murder him the said W. C. and other wrongs to

ad Count, for obstructing the officers in the execution of their office in levying a sum of money on the goods of W. J. by virtue of a warrant from two justices, generally, without setting forth the conviction.

the said W. C. and T. B. they the said defendants, then and there, with force and arms, unlawfully, &c. did, to the great damage of the said W. C. and T. B. in contempt of our said lord the king and his laws, to the great hindrance and obstruction of public justice, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the said attorney general of, &c. for, &c. further giveth, &c. that on, &c. at, &c. in, &c. Sir W. F. and W. W. two of the justices of our said lord the king, assigned to keep the peace within the said riding, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said riding, did in due form of law make their certain warrant in writing, under their hands and seals, directed to Messrs. W. C. and T. B. officers of excise, or either of them, or to such other person or persons as they or either of them should take to their assistance, and did by the said warrant in his majesty's name authorize them, or any of them, that upon the goods and chattels of W. J. of, &c. in, &c. they should levy the sum of twelve pounds ten shillings, recovered against him by Mr. D. R. who prosecuted as well for our sovereign lord the king as for himself, for a certain offence committed by the said W. J. against the laws and statutes of excise, whereof he stood convicted before them the said Sir W. F. and W. W. the justices aforesaid, that day, and for levying thereof the said W. C. and T. B. and the said other person or persons in that behalf aforesaid, were to seize, take, and carry away the goods and chattels aforesaid, and if within six days next after such seizure the same should not be redeemed, then and in such case, and after the expiration of the said six days, they were to make sale thereof, or of so much thereof as would be sufficient to levy the said sum of twelve pounds ten shillings, which said warrant was then and there delivered to the said W. C. and T. B. to be executed in due form of law: And the said attorney general of, &c. for, &c. giveth, &c. that they the said W. C. and T. B. afterwards, to wit, on, &c. in the thirtieth year of, &c. the said sum of twelve pounds ten shillings being and remaining wholly unpaid by virtue and in execution of the said warrant, did go to the dwelling house of the said W. J. situate at, &c. and did then and there proceed to levy the said sum of twelve pounds ten shillings upon the goods and chattels of the said W. J. then being in the said house: And the said attorney general of, &c. for, &c. giveth, &c. that they the said defendants well, &c. but having no regard for, &c. and unlawfully, &c. to obstruct the due course of law and justice, them the said W. C. and T. B. then and there being in the peace of God and of our said lord the king, and being also then and there in due manner levying the said sum of twelve pounds ten shillings upon the goods and chattels of the said W. J. by virtue of the said warrant, did unlawfully, violently, and forcibly hinder, obstruct, oppose, molest, and abuse, in con-

tempt of, &c. to the evil, &c. and against the peace of, &c.

And the said attorney general of, &c. for, &c. giveth, &c. that they the said defendants, together with divers other persons whose names are at present unknown to the said attorney general, of, &c. being rioters, routers, and disturbers of the peace of our said lord the king, afterwards, that is to say, on, &c. in the thirtieth year of, &c. with force and arms, at, &c. in, &c. did unlawfully, riotously, routously, and tumultuously meet and assemble together, to break and disturb the peace of our said lord the now king, and, being so assembled and met together, did then and there make a great noise, tumult, riot, and disturbance, and did then and there remain and continue so assembled as aforesaid, and making such noise as aforesaid for a long space of time then next following, to the great disturbance of the public peace, in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity: And the said attorney general of, &c. for, &c. giveth, &c. that they the said defendants afterwards, that is to say, on, &c. in the thirtieth year of, &c. with force and arms, at, &c. them the said W. C. and T. B. being then and there officers of excise of our said lord the king, and being then and there in the peace of God and of our said lord the king, and being also then and there in the due execution of their said several and respective offices, did unlawfully, violently, and forcibly hinder, obstruct, resist, molest, oppose, and abuse, in contempt of, &c. &c.: Whereupon the said attorney general of, &c. for, &c. prayeth the consideration of the court here in the premises, and that due process of law may be awarded against them the said defendants in that behalf, to make them answer to our said lord the king touching and concerning the premises; wherefore the said sheriff of the said county of York was commanded that he should not forbear by reason of any liberty in his bailiwick, but that he should cause them to come and answer to our said lord the king touching and concerning the premises aforesaid. (Plea, not guilty; two of the defendants were found guilty.)

3d Count, against defendants for tumultuously assembling and making a riot.

4th Count, for obstructing officers of excise in the execution of their office.

PLEAS before our lord the king, at Westminster, of Hilary term, in the third year of the reign of our sovereign lord George the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith.

Among the pleas of the king. ROLL.

WILTSHIRE, *ff.* Be it remembered that T. H. who as well for our present sovereign lord the king as for himself in this behalf prosecuteth, in his proper person came here into the court of our said present sovereign lord the king, before the king himself, at Westminster, on Saturday next after the morrow of All

Information *qui tam*, for molesting an exciseman in seizing tea without a permit.

Souls last past, and as well for our said present sovereign lord the king as for himself, brought into the court of our said present sovereign lord the king, before the king himself, then and there a certain information against R. C. late of Shirston, in the county of Wilts, taylor, which said information followeth in these words, that is to say, Wiltshire:—Be it remembered, that T. H. who as well for our present sovereign lord the king as for himself in this behalf prosecuteth, in his proper person cometh here into the court of our said present sovereign lord the king, before the king himself, at Westminster, on Saturday next after the morrow of All Souls, in the same term; and as well for our said present sovereign lord the king as for himself, giveth the court here to understand and be informed, that R. C. late of S. in the county of Wilts, taylor, since the twenty-fourth day of June, which was in the year of Our Lord 1724, that is to say, upon the twentieth day of February, in the second year of the reign of our said present sovereign lord George the Third, by the grace of God, of Great Britain, France and Ireland, king, defender of the faith, &c. with force and arms, at the parish of S. in the county of W. aforesaid, in and upon one W. W. being then and there one of the officers for the duties granted by a certain act made and provided in the parliament held by prorogation, at Westminster, upon the ninth day of January, in the tenth year of the reign of his late majesty king George the First, entitled, “An Act for repealing certain Duties therein mentioned, payable upon Coffee, Tea, Cocoa Nuts, Chocolate late, and Cocoa Paste, imported; and for granting certain Inland Duties in lieu thereof, and for prohibiting the Importation of Chocolate ready made, and Cocoa Paste; and for better ascertaining the Duties payable upon Coffee, Tea, and Cocoa Nuts imported, and for granting Relief to R. D. late Earl of Carnwath;” and being also then and there in the peace of God and of our said present sovereign lord the king, and being also then and there in the due execution of his said office, in the due seizing and securing to and for the use of our said present sovereign lord the king, seven pounds weight of tea, being of the value of one pound fifteen shillings and upwards of lawful money of Great Britain, the said tea being then and there found by him the said W. W. removed and carried along the king’s common highway, at the parish of S. aforesaid, in the county of Wilts aforesaid, by the said R. C. without a lawful permit or certificate for the same in that behalf first had and obtained, signifying and certifying the names and places of abode of the buyer and seller, and expressing the quantity and species thereof, and that the inland duties due and payable to our said present lord the king in that behalf, thereupon by the said act herein above-mentioned, had been duly paid and satisfied, or that the same had been condemned as forfeited, or had been part of any stock in hand, did unlawfully and violently make an assault and affray, and him the said W. W. he the said R. C. did then and there, with force and arms, unlawfully and violently beat, wound, and treat so ill, that his life was greatly

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despaired

despaired of; and him the said W. W. being then and there in the due execution of his said office as aforesaid, he the said R. C. did then and there, with force and arms, unlawfully and violently resist, oppose, molest, obstruct, and hinder, and other mischiefs upon him the said W. W. he the said R. C. did then and there with force and arms, unlawfully and violently bring, to the great damage of him the said W. W. in contempt of our said present sovereign lord the king and his laws, to the great fraud of our said present sovereign lord the king, and in diminution of the revenue of the excise of our said present sovereign lord the king, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity, and also against the form of the statute in such case made and provided; by reason whereof, and by force of the said statute, he the said R. C. hath forfeited and lost the sum of fifty pounds of lawful money of Great Britain, one moiety of the said forfeiture to the use of our said present sovereign lord the king, his heirs, and successors; and the other moiety thereof to him the said T. H. who as well for our said present sovereign lord the king as for himself in this behalf prosecuteth; whereupon the said T. H. (who as well for our said present sovereign lord the king as for himself in this behalf prosecuteth) prayeth that he may have one moiety of the said forfeiture herein above mentioned, according to the form of the statute, and that due process of law may be awarded against him the said R. C. in this behalf to make him answer, as well to our said present sovereign lord the king as to him the said T. H. touching and concerning the premises aforesaid; wherefore the sheriff of the said county of Wilts was commanded that he should not forbear by reason of any liberty in his bailiwick, but that he should cause him to come to answer to our said lord the king touching and concerning the premises aforesaid: And now, that is to say, on Monday next after the octave of Saint Hilary, in this same term, before our said lord the king, at Westminster, cometh the said R. C. by J. M. his attorney, and having heard the said information read, he saith that he is not guilty thereof, and hereupon he putteth himself upon the country; and the honourable C. Yorke, attorney-general of our said lord the king, who for our said lord the king in this behalf prosecuteth, doth the like,

LIBEL. (a)

GLOUCESTERSHIRE, to wit. Be it remembered that Information a- James Burrow, esquire, coroner, and attorney of our present gainst defendant
libel against three justices of the peace, the churchwarden and overseers of a parish accusing them of
having been guilty of fraud concerning the poor rates, &c. &c.

(a) See Indictments for Libels, ante 199.

D d 4.

sovereign

sovereign lord the king, in the court of our present sovereign lord the king, before the king himself, who prosecuteth for our said present sovereign lord the king in this behalf, in his proper person cometh here into the court of our present sovereign lord the king, before the king himself, at Westminster, on Friday next after the morrow of the Holy Trinity, in this same term, and for our said present sovereign lord the king giveth the court here to understand and be informed, that Robert Dowars, late of, &c. tallow chandler, being a person of a most wicked and malicious temper and disposition, and unlawfully and unjustly, wickedly and maliciously devising, designing, contriving, and intending to defame, asperse, scandalize, and vilify the character of T. C. &c. being now and at the time of writing, printing, and publishing the false, scandalous, and defamatory libel hereafter mentioned, three of the justices of our said present sovereign lord the king, assigned to keep, &c. and also hear, &c. and who usually acted, and still do act as such justices of the peace of our said present sovereign lord the king within the division of the said county of G. wherein the said parish of, &c. lyeth, and also unlawfully, unjustly, maliciously, and wickedly designing, devising, contriving, and intending to defame, asperse, scandalize, and vilify the characters of J. D. churchwarden of the parish of, &c. in, &c. J. S. &c. the late overseers of the poor of the said parish, and also A. W. &c. now and at the time of writing, printing, and publishing the false, scandalous, and defamatory libel, hereinafter mentioned, vestry-man, and inhabitants of the said parish of, &c. and most unlawfully, unjustly, wickedly, and maliciously devising, contriving, designing, and intending as much as in him the said R. D. lay to insinuate and cause it to be believed, that they the said J. C. &c. as such justices of the peace aforesaid, he the said J. D. as such churchwarden, &c. as aforesaid, that they the said T. S. &c. as such overseers as aforesaid, and the said A. W. &c. as such vestry-man of the said parish as aforesaid, had been guilty of very great frauds, abuses, and misdemeanors, in the execution of their several and respective offices aforesaid, in relation to the rates made for the relief of the poor of the said parish of, &c. in, &c. and other matters relating to the said parish, upon the thirtieth day of, &c. in the twentieth year of the reign, &c. by the grace of God, &c. with force and arms, at, &c. in, &c. did unlawfully and maliciously, wickedly and scandalously, compose, write, print, and publish, and did cause and procure to be composed, written, printed, and published, a certain wicked, infamous, scandalous, and defamatory libel of and concerning them the said T. C. &c. (all their names) entitled, "A Dialogue between a C—h W——n (meaning a churchwarden of the out parish of, &c. in, &c.) and a Quaker Paymaster, in which many of the V—st—y's (meaning vestry's) base and villainous, &c. &c. &c."—In which said scandalous and defamatory libel are contained, among other things, by way of feigned and supposed conversation or dialogue, divers wicked, scandalous, malicious, and defamatory matters, that is to say, in one part thereof according to

to the tenor following, that is to say, "A Dialogue between, &c. (explaining the words wrote in blanks,)" Churchwarden, being "one of the Speakers;" the inuendoes (meaning the said J. D. late churchwarden of the parish aforesaid, in the said county of G. when he speaks of the rate it is called, meaning the rate for the relief of the poor of the parish of, &c. in the said county of G. the pronouns very seldom, if at all, explained by inuendoes): after the word "Justices" is said (meaning the aforesaid T. C. &c. the justices of the peace of our said lord the king, acting within the division of the said county of G. wherein the said parish of, &c. lyeth as aforesaid); and after the word "Vestry-man," (meaning the vestry-men of the said parish of, &c. aforesaid) And in another part thereof, according to the tenor following, that is to say, (Here follows a new clause.) And in another part of the same scandalous and infamous libel, to the tenor following, that is to say, &c. To the great scandal, infamy, and disgrace of them the said T. C. &c. in contempt of our said lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity. And the said coroner and attorney of our said present sovereign lord the king giveth the court here further to understand and be informed, that the said R. D. being a person of a most wicked and malicious temper and disposition, and unlawfully, unjustly, wickedly, and maliciously devising, designing, contriving, and intending further to defame, asperse, scandalize, and vilify the characters of the said T. C. &c. being, as aforesaid, three of the justices, &c. who usually acted, &c. and also unlawfully, unjustly, wickedly, and maliciously, designing, &c. further to defame, &c. the characters of the said J. D. late, &c. in, &c. J. S. &c. the late overseers of, &c. and also A. W. &c. heretofore and now vestry-men and inhabitants of, &c. afterwards, that is to say, on, &c. in, &c. with force and arms, at, &c. in, &c. did unlawfully, &c. compose, &c. and did cause and procure to be composed, &c. by way of feigned or supposed conversation or dialogue, a certain other wicked, &c. libel of and concerning him the said T. C. &c. (all their names) intitled "A Dialogue," (as before); which said last-mentioned libel he the said R. D. hath most unlawfully, &c. insinuated, and as much as in him the said R. D. lay, caused it to be believed that they the said T. C. &c. as such justices of the peace as aforesaid, he the said T. D. as such churchwarden of the said parish, &c. they the said T. S. &c. as such overseers of the poor of the said parish as aforesaid; and the said A. W. &c. as such vestry-men of the said parish, had been guilty of very great frauds, abuses, and misdemeanors, in the execution of their several and respective offices aforesaid, in relation to the rate made for the relief of the poor of, &c. in, &c. and other matters relating to the said parish, and that they the said T. C. &c. justices aforesaid, would readily sign any rate for the relief of the poor of the said parish that the vestry-men of the said parish should think upon without examining the same,

to

to the great scandal, infamy, discredit, and disgrace of them the said T. C. &c. esquires, and J. D. J. S. &c. in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said sovereign lord the king, his crown and dignity: And thereupon the said coroner and attorney of our said present sovereign lord the king prayeth the consideration of the court here in the premises, and that due process of law may be awarded against him the said R. D. in this behalf, to make him answer to our said present sovereign lord the king, touching and concerning the premises aforesaid.

Information
against a printer
for publishing a
libel in one of
the newspapers,
accusing the
Russian ambas-
sador of having
sent advice to
the enemies of
this country.

LONDON, *ff.* Be it remembered that James Wallace, esquire, attorney general of our present sovereign lord the king, who for our said present sovereign lord the king in this behalf prosecuteth, in his proper person cometh here unto the court of our present sovereign lord the king, before the king himself, at Westminster, on Tuesday next after the octave of Saint H. in this same term, and for our said present sovereign lord the king giveth the court here to understand and be informed, that on, &c. in the twenty-first year of the reign, &c. and before, there was and yet is an open and public war between our present sovereign lord the king and the French king; and also on the same day and year last mentioned, there was and yet is an open and public war between our present sovereign lord the king and the king of Spain, and that on the same day and year, and before hostilities were carried on by our said sovereign lord the king against the States General of the United Provinces, that is to say, at the parish of St. Mary-le-Bow, in the ward of Cheap, in London aforesaid: And the said attorney general of our said lord the king giveth the court here further to understand and be informed, that on the same day and year last aforesaid, and before, there was and yet is a strict and firm friendship between our said present sovereign lord the king and her imperial majesty, the empress of all the Russias, and during all the time there was and yet is a mutual intercourse and commerce between the subjects of our said present sovereign lord the king and the subjects of her said imperial majesty, in the exportation out of this kingdom to the dominions of her imperial majesty of divers productions and manufactures from the dominions of our said present sovereign lord the king of Great Britain, and in the importation into this kingdom, from the dominions of her said imperial majesty, divers productions and manufactures of the dominions of her said imperial majesty, for the use of the navy of our said lord the present king, and the ships of the subjects of our said present sovereign lord the king of Great Britain, and for other beneficial purposes; and that his excellency John Simolin, a subject of her said imperial majesty, before the printing and publishing the false, scandalous, infamous, and defamatory libel hereinafter next mentioned, had been sent from her said imperial majesty, in quality of
her

her said imperial majesty's envoy extraordinary, and minister plenipotentiary to our said present sovereign lord the king, to preserve and cultivate the friendship between our said sovereign lord the king and her said imperial majesty, and to maintain the said mutual intercourse and commerce between their subjects; and that his excellency, John Simolin, before the printing and publishing of the said false, scandalous, infamous, and defamatory libel hereinafter next mentioned, to wit, on, &c. in the nineteenth year of the reign &c. was received by our said present sovereign lord the king in quality of envoy extraordinary and minister plenipotentiary from her said imperial majesty to our said present sovereign lord the king, and from thence until and at the time of printing and publishing of the false, scandalous, infamous, and defamatory libel hereinafter next mentioned, resided, and still doth reside, within this kingdom, with the consent of our said present sovereign lord the king, in quality of envoy extraordinary and minister plenipotentiary from her said imperial majesty to our said present sovereign lord the king, and was the only public minister, during that time, from her said imperial majesty to our said present sovereign lord the king, resident within this kingdom, that is to say, at the parish of, &c. And the said attorney general of our said lord the king, for our said lord the king, giveth the court here further to understand and be informed, that before the printing and publishing of the false, scandalous, infamous, and defamatory libel hereinafter next mentioned, that is to say, on, &c. in the said twenty-first year, &c. and in the morning of Thursday, &c. in the same year, certain false, &c. reports were propagated of intelligence having been given by his said excellency J. S. during his residence in this kingdom, as envoy extraordinary and minister plenipotentiary as aforesaid, to the said enemies of our lord the king, to enable them the better to conduct themselves in the said wars, in which they were then engaged with our said lord the king, that is to say, at, &c. And the said attorney general of our said present sovereign lord the king, for our said present sovereign lord the king giveth the court here further to understand and be informed, that John Bew, late of London, printer, being a person of a wicked and malicious disposition, and disregarding the law of nations and the rights and privileges of public ministers of foreign princes and states, and unlawfully and wickedly, and maliciously devising and designing to traduce and vilify the reputation, integrity, and honour of his said excellency J. S. and unjustly and wickedly to insinuate and cause it to be believed that his said excellency had disregarded his character and dignity of a public minister from her said imperial majesty to our said present sovereign lord the king, and had dishonourably and infamously prostituted the same to serve the enemies of our said present sovereign lord the king, and to confirm, as far as in him the said J. B. lay, the said false, &c. reports propagated concerning his said excellency as aforesaid, and unjustly and wickedly to excite and create unwarrantable and injurious jealousies, and suspicions of the conduct, integrity, and honour of his said excellency,

lency, and to expose him to contempt; and most maliciously and wickedly, as far as in him the said J. B. lay, to interrupt and destroy the harmony and friendship which happily subsists between our said present sovereign lord the king and her said imperial majesty, and the said intercourse and commerce between the subjects of our said present sovereign lord the king and the subjects of her said imperial majesty, unlawfully, wickedly, and maliciously, during the time of the said wars, to wit, on, &c. in the twenty-first year, &c. with force and arms, at, &c. to wit, in the parish of, &c. did print and publish, and caused and procured to be printed and published, a certain false, &c. libel intitled "The General Evening Post (London), from Thursday, January 18, to Saturday, January 20, 1781—No. 7317:" in which said libel of and concerning his said excellency J. S. and also concerning him in his character of such public minister as aforesaid, from her said imperial majesty to our said present sovereign lord the king, respecting the said false, &c. reports propagated concerning his said excellency as aforesaid, are contained, among other things, divers false, &c. matter; that is to say, in one part thereof according to the tenor following, to wit, &c. &c. &c. to the great scandal, injury, and disgrace of his said excellency J. S. to the great reproach and ignominy of his said excellency in his character of envoy extraordinary and minister plenipotentiary as aforesaid, in violation of the law of nations, and of the protection and security which public ministers of foreign princes and states ought and are entitled to enjoy in this kingdom; in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity: And the said attorney general of our said present sovereign lord the king, for our said present sovereign lord the king in this behalf prosecuteh, giveth the court here further to understand and be informed, that on, &c. in the 21st year, &c. and for divers months, there was and yet is an open and public war between our said present sovereign lord the king and the French king; and that on the same day and year last mentioned, and before, there was and yet is an open and public war between our said present sovereign lord the king and the king of Spain, that is to say, at L. aforesaid, in the parish and ward aforesaid: And the said attorney general of our said lord the king, for our said lord the king giveth the court here further to understand and be informed, that his said excellency J. S. at the time of publishing the false, &c. libel hereinafter next mentioned, and before, was and yet is a public minister, that is to say, envoy extraordinary and minister plenipotentiary from her imperial majesty the empress of all the Russias to our said present sovereign lord the king, accepted and received by our said lord the king as such public minister, and during that time hath resided, and still resides in this kingdom in quality of such public minister, with the consent of our said present sovereign lord the king, that is to say, at L. aforesaid, in the parish, &c. And the said attorney-general
of

of our said lord the king, for our said lord the king giveth the court here further to understand and be informed, that before the publication of the false, &c. libel herein after mentioned, certain false, &c. reports had been propagated concerning his said excellency, and highly injurious to his character and honour, to wit, at L. aforesaid, in, &c. And the said attorney general of our said lord the king, for our said lord the king giveth the court here further to understand and be informed, that the said J. B. being a person of a wicked and malicious disposition, and disregarding the law of nations, and the rights and privileges of public ministers of foreign princes and states, and unlawfully, wickedly, and maliciously intending, devising, and contriving to traduce and vilify the reputation, character, and honour of his said excellency J. S. and unjustly and wickedly to insinuate and cause it to be believed, that his said excellency had disgraced the character of a public minister from her imperial majesty to our present sovereign lord the king, and had dishonourably and infamously prostituted the same to serve the enemies of our said lord the king, and to excite and create unwarrantable and injurious jealousies and suspicions of the conduct, integrity, and honour of his said excellency, and to expose him to contempt, unlawfully, wickedly and maliciously, during the time of the said war between our said present sovereign lord the king and the French king, to wit, on, &c. in the twenty-first year, &c. with force and arms, at, &c. to wit, at, &c. did publish and cause, and procure to be published of and concerning his said excellency J. S. and concerning him in his character of such public minister as aforesaid, and also respecting the said reports so propagated as last mentioned, a certain other false, &c. libel, according to the tenor following, to wit, &c. &c. &c. to the great injury, scandal, and disgrace of his said excellency J. S. &c. &c. &c. (as before): And the said attorney general of our said lord the king giveth the court here further to understand and be informed, that on, &c. in the twenty-first year, &c. and before, there was and yet is an open and public war between, &c. &c. that is to say, at, &c. And the said attorney-general of our said lord the king, for, &c. giveth, &c. that his said excellency J. S. at the time of publishing, &c. libel hereinafter next mentioned, and before, was and yet is a public minister (that is to say) plenipotentiary of her imperial majesty the empress of all the Russias to our present sovereign lord the king, accepted and received by our said lord the king as such public minister, and during that time hath resided, and still resides in this kingdom in quality of such public minister, that is to say, at, &c. And the said attorney general of, &c. for, &c. giveth, &c. that the said J. B. being a person of a wicked, &c. and disregarding the law of nations, and the rights and privileges of public ministers and foreign princes and states, and unlawfully, &c. intending, &c. to traduce and vilify the reputation, integrity, and character of his said excellency J. S. and unjustly and wickedly to insinuate and cause it to be believed that his said excellency

INFORMATION BY THE ATTORNEY GENERAL.

excellency had disgraced the character of a public minister from her imperial majesty to our said present sovereign lord the king, and had dishonourably and infamously prostituted the same to serve the enemies of this kingdom, and to excite and create unwarrantable and injurious jealousies and suspicions of the conduct, integrity, and honour of his said excellency, and to expose him to contempt, unlawfully, &c. during the time of the said war between our said present, &c. and the French king, to wit, on, &c. in the twenty-first year, &c. with force and arms, at, &c. in, &c. did publish, and cause and procure to be published, of and concerning his said excellency J. S. being such public minister as last aforesaid, a certain other false, &c. libel, according to the tenor following, that is to say, &c. &c. &c. to the great injury, scandal, and disgrace of his said excellency J. S. in violation of the law of nations, and of the protection and security which public ministers of foreign princes and states ought and are entitled to enjoy in this kingdom, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: whereupon &c. (usual conclusion of an information by the attorney general.)

Information against the printer of a newspaper for publishing a libel against the chief justice, and the rest of the judges of the king's bench.

HAMPSHIRE; // Be it remembered, that Lloyd Kenyon, esquire, attorney general of our present sovereign lord the king, who for our said lord the king in this behalf prosecuteth, in his proper person cometh here into the court of our said lord the king, before the king himself, at Westminster, on Monday next after five weeks from the feast-day of Easter in the same term, and for our said lord the king giveth the court here to understand and be informed, that in Hilary term, in the twenty-second year, &c. in the court of our said lord the king, before the king himself, at Westminster, the right honourable William, earl of Mansfield, then and there being chief justice of the said court, and present therein, one John Hill was brought into the said court in custody of the keeper of his majesty's goal at Winchester, in the county of Southampton, by virtue of his majesty's writ of *babeas corpus*, before that time issued out of that court for that purpose: and the said keeper did then and there certify to the said court of our said lord the king, before the king himself, that he the said John Hill, on, &c. was committed into the custody of Benjamin Smith, esquire, sheriff, and of him the said keeper, by virtue of a warrant under the hand and seal of George Huish, gentleman, coroner for the borough of Portsmouth, in the said county; by which warrant he the said John Hill was committed, as being, by an inquisition of twelve good and lawful men of the liberties of the said borough of Portsmouth, duly taken before him as coroner for the said borough, found guilty of feloniously and wilfully killing and murdering one Peter Lloyd, at, &c. within the said liberties on, &c. then last past: And the

the said attorney general, for, &c. giveth, &c. that upon reading the depositions taken before the said George Huish, coroner for the said borough of Portsmouth, of the body of the said Peter Lloyd; and upon reading the affidavits and hearing of counsel on both sides, it was then and there ordered by the said court of our said lord the king, before the king himself, at Westminster, that he the said John Hill having then in the said court given a recognizance for his personal appearance at the then next assizes and general goal delivery, to be holden in and for the said county of Southampton, should be discharged out of the custody of the said keeper, on the account aforesaid: And the said attorney general of, &c. for, &c. giveth, &c. that Luke Kent, late of, &c. in, &c. printer, well knowing the premises, but being a person of a depraved and wicked mind, and of a malicious temper and disposition, disregarding and despising the laws of this realm, and most unlawfully, wickedly, maliciously, and deliberately devising, contriving, and intending to traduce, vilify, and bring into contempt and detestation the judges of the said court of our said lord the king, before the king himself, and particularly the said William, earl of Mansfield, chief justice of the said court, and to insinuate, and as far as in him the said L. Kent lay, to cause it to be believed, that the judges of the said court of our said lord the king, before the king himself, and particularly the said William, earl of Mansfield, so being such justice, had acted arbitrarily, partially, and corruptly in admitting the said John Hill to bail as aforesaid; and had done that which by law they were not warranted to do: And further, most unlawfully, &c. devising, &c. the minds of the jurors who should be returned and impanelled for the trial of the said John Hill, at the said then next assizes and general goal delivery, to be holden in and for the said county of S. against the said J. Hill, and unjustly and wickedly to cause the said jurors to find the said J. H. guilty of the crime of murder in killing the said Peter Lloyd aforesaid, that is to say, on, &c. in the twenty-second year, &c. with force and arms, at, &c. in, &c. most unlawfully, wickedly, and maliciously, did print and publish, and cause and procure to be printed and published, in a certain newspaper, entitled "The Hampshire Chronicle," printed by L. Kent and W. Mowbray, Portsmouth—No. 181—Monday, March 4, 1782, of and concerning the said admission to bail of the said John Hill as aforesaid, and of and concerning the judges of the court of our said lord the king, before the king himself, and of and concerning the said William, earl of Mansfield, so being such chief justice as aforesaid, in his office of chief justice as aforesaid, and also of and concerning the said John Hill, a certain false, wicked, scandalous, infamous, and malicious libel, in the form of a letter, according to the tenor following, that is to say, &c. &c. (recite the letter) to the great scandal, infamy, and disgrace of the judges of the said court of our said lord the king, before the king himself, and particularly of the said William, earl of Mansfield, to being such chief justice as aforesaid, in manifest perversion and violation of the laws

2d Count.

laws of this realm, and to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: And the said attorney general of, &c. for, &c. giveth, &c. that in Hilary Term, in the twenty-second year, &c. in the court of our said lord the king, before the king himself, at Westminster, John Hill was by the said court delivered to bail, (the said William, earl of Mansfield, then and there being chief justice of the said court, and presiding therein), upon a writ of *habeas corpus ad subjiciendum*, for his personal appearance at the next assizes and general goal delivery, to be holden at Winchester, in and for the county of Southampton, to answer all such matters and things as on his majesty's behalf should then and there be objected against him, and not to depart the court without leave, the said John Hill, before such delivery to bail, having been in the custody of the keeper of his majesty's goal at Winchester, in the said county of Southampton, by which the said John Hill was committed, as being, by an inquisition of twelve good and lawful men of the said borough found guilty of the wilful murder of Peter Lloyd: And the said attorney general of, &c. for, &c. giveth, &c. that the said Luke Kent well knowing the premises last aforesaid, but being such aforesaid, and most unlawfully, &c. devising, &c. to traduce, vilify, and bring into contempt and detestation the right honourable William, earl of Mansfield, chief justice of our lord the king, assigned to hold pleas before the king himself, to insinuate, and as much as in him the said Luke Kent lay, to cause it to be believed that the said William, earl of Mansfield, so being such chief justice as last aforesaid, had acted arbitrarily, &c. in consenting to admit the said John Hill to bail as aforesaid, and had done that which by law he was not warranted to do, afterwards, that is to say, on, &c. in the twenty-second year aforesaid, with force and arms, at, &c. in, &c. most unlawfully, &c. did publish, and cause and procure to be published in a certain newspaper called "The Hampshire Chronicle"—No. 181.—Monday, March 4, 1782, a certain other false, &c. libel, in which said last-mentioned libel of and concerning the said William, earl of Mansfield, in his office of chief justice as last aforesaid, are contained divers false, &c. matters, that is to say, in one part thereof, according to the tenor following, to wit, &c. &c. &c. to the great scandal, &c. (as before). And the said attorney-general of, &c. for, &c. giveth, &c. that on Tuesday next after the Purification of the Blessed Virgin Mary, in Hilary Term, in the twenty-second year, &c. John Hill being brought into the said court, in custody of the keeper of his majesty's goal at Winchester, in the county of Southampton, by virtue of his majesty's writ of *habeas corpus*, for that purpose issued out of the said court, the said keeper did certify to the said court of our said lord the king, before the king himself, that he the said John Hill, on, &c. was committed into the custody of Benjamin Smith, esquire, sheriff, and of him the said

3d Count.

saïd keeper, by virtue of a warrant under the hand and seal of George Huish, gentleman, coroner for the borough of Portsmouth, in the saïd county, by which warrant he the saïd John Hill was committed, as being, by an inquisition of twelve good and lawful men of the liberty of the saïd borough of Portsmouth, duly taken before him as coroner for the saïd borough, found guilty of feloniously and wilfully killing and murdering one Peter Lloyd, at, &c. within the saïd liberties, on, &c. And the saïd attorney general of, &c. for, &c. giveth, &c. that he the saïd John Hill was then and there by the saïd court of our saïd lord the king, before the king himself, delivered to bail for his personal appearance at the then next assizes and general goal delivery, to be held at Winchester, in and for the saïd county of Southampton, to answer all such matters and things as on his majesty's behalf should then and there be objected against him: And the saïd attorney general of, &c. for, &c. giveth, &c. that the saïd Luke Kent, being such person as aforesaid, and most unlawfully, &c. devising, &c. to influence and prejudice the minds of the jurors who should be returned and impanelled for the trial of the saïd John Hill at the saïd then next assizes and general goal delivery to be holden in and for the saïd county of Southampton, against the saïd John Hill, and unjustly and wickedly to cause the saïd jurors to find the saïd John Hill guilty of the crime of murder, in killing the saïd Peter Lloyd, afterwards, that is to say, on, &c. in the twenty-second year, &c. with force and arms, at, &c. most unlawfully, &c. did publish, and cause and procure to be published in a certain newspaper, entitled "The Hampshire Chronicle,"—No. 181—Monday, March 4, 1782—a certain false, &c. libel, in the form of a letter, addressed to the right hon. the e—l of M—d (meaning the earl of Mansfield), in which saïd last-mentioned libel of and concerning the saïd John Hill, are contained divers false, &c. that is to say, in one part thereof, according to the tenor following, to wit, &c. &c. &c. to the great damage and prejudice of the saïd J. H. in manifest perversion of the laws of this realm, in contempt of our saïd lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our saïd lord the king, his crown and dignity: Whereupon the saïd attorney general of, &c. who for, &c. in this behalf prosecuteth for, &c. prayeth the consideration of the court here in the premises, and that due process of law may be awarded against him the saïd L. K. in this behalf, to make him answer to our saïd lord the king, touching and concerning the premises aforesaid.

AGAINST JUSTICES.

Hilary Term, 29. Geo. II.

Information against a justice of peace for knowingly taking insufficient sureties for the appearance of a person charged with seducing manufacturers to go into foreign parts, without notice to the committing justice.

1st Count states the commitment particularly.

MIDDLESEX, to wit. Be it remembered that James Burrow, esquire, coroner and attorney of our said present sovereign lord the king, in the court of our said present sovereign lord the king before the king himself, who prosecuteth for our said present sovereign lord the king in this behalf, in his proper person cometh here into the court of our said present sovereign lord the king before the king himself at Westminster, on Friday next after the octave of Saint Hilary, in this same term, and for our present sovereign lord the king giveth the court here to understand and be informed, that on the nineteenth day of July, in the year of Our Lord 1755, in the county of Middlesex, Boulton Mainwaring, esquire (then and yet one of the justices of our said lord the king, assigned to keep the peace of our said lord the king in the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed withing the said county), did within the said county of Middlesex, that is to say, at the parish of Saint Margaret, Westminster, in the said county, make his certain warrant in writing, under his hand and seal, bearing date the day and year last above-mentioned, directed to the keeper of his majesty's gaol of Newgate, whereby it is recited, that Martin Warinn had been brought before him the said Boulton Mainwaring, esquire, by William Phillips, headborough, charged upon the oath of Thomas Davis with seducing Joseph (meaning Joseph) Pyne, James Swinger, William Fagnall, Thomas Simes, Joseph Thompson, William Brown, and James Keet, being natives of this kingdom and manufacturers (meaning manufacturers) in glass, to go into foreign services; therefore he the said Boulton Mainwaring, esquire, the justice aforesaid, in and by the said warrant did charge and order the said keeper of his majesty's said gaol of Newgate to receive the said M. W. into the custody of him the said keeper of Newgate, then sent to him the said keeper, together with the said warrant, for want of sureties, and him the said M. W. safely to keep in his custody until he the said M. W. should be discharged by due course of law; which said warrant afterwards, to wit, on the said nineteenth day of July, was directed to the said keeper of his majesty's said gaol of Newgate, in due form of law to be executed, together with the said M. W. by virtue of which said warrant he the said keeper of his majesty's said gaol of Newgate kept and detained the said M. W. in his custody in the said gaol, for the cause in the same warrant above specified: And the said coroner and attorney of our said present sovereign lord the king, for our said present sovereign lord the king giveth the court here further to understand and be informed, that afterwards and during the time the said M. W. was in the said gaol of Newgate, and in the custody of the said keeper

of

of his majesty's said gaol aforesaid, for the cause aforesaid, that is to say, on the seventh day of August, in the said twenty-ninth year of the reign of our said present sovereign lord the king, one Thomas L. of New Palace-yard, in the parish of Saint Margaret, within the liberty of Westminster, in the county of Middlesex, esquire, (then and yet being one of the justices of our said lord the king, assigned to keep the peace of our said lord the king in the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county), well knowing the premises, but devising, designing, contriving, and intending to obtain and acquire to himself a large sum of money and other advantages; and also devising, designing, contriving, and intending to pervert the due course of law and justice, and to make the same subservient to his own private lucre and gain, and to his own private wicked purposes and intention, did at the parish of Saint Margaret, Westminster, aforesaid, in the county of Middlesex aforesaid, under a colour of divers false pretences and informations, and for his own lucre and gain, and for other unlawful considerations, with force and arms, unlawfully, wilfully, and corruptly procure the said M. W. to be discharged and to escape and go at large from and out of the custody of the said keeper of his majesty's said gaol of Newgate, in which he the said M. W. was so confined as aforesaid, for the cause aforesaid, without taking sufficient sureties for the personal appearance of the said M. W. at the then next general gaol delivery, to be holden for the said county of Middlesex, to answer the aforesaid complaint against the said M. and by then and there knowingly taking insufficient sureties for the personal appearance of the said Martin at the said then next general gaol delivery to be holden for the said county; and also without any notice being first given to the prosecutor of the said M. or to the said B. M. esquire, who had so committed the said Martin as aforesaid, for the cause aforesaid, of any persons whatsoever intending to become sureties for the personal appearance of the said Martin as aforesaid, by then and there, to wit, on the said seventh day of August, in the year aforesaid, at the parish of Saint M. aforesaid, in the county aforesaid, making a certain warrant in writing, under the hand and seal of him the said Thomas L. then being one of his majesty's justices of the peace for the said county of Middlesex as aforesaid, bearing date the said seventh day of August, in the twenty-ninth year aforesaid, directed to the keeper of Newgate, or his deputy, and by which said last-mentioned warrant he the said Thomas L. did require the said keeper of his majesty's said gaol of Newgate (meaning the said keeper of his majesty's said gaol of Newgate for the said county of Middlesex), or his deputy, to discharge out of custody the body of the said Martin Warinn aforesaid, detained for no other cause than what is mentioned in the warrant of commitment of Boulton Mainwaring, esquire (meaning the aforesaid warrant of B. M.

INFORMATION. IN THE CROWN OFFICE

esquire, one of his majesty's justices of the peace of the said county of Middlesex, who had so granted the first above-mentioned warrant as aforesaid), dated the nineteenth day of July then last, on the oath of Thomas Davis, for seducing J. P. J. S. W. F. T. S. J. T. W. B. and J. K. (being natives of this kingdom and manufacturers in glass) to go into foreign service; and also in and by the said last-mentioned warrant of him the said T. L. falsely alledging that he the said Thomas L. had taken sufficient sureties for his the said M. W.'s personal appearance at the then next general gaol delivery to be holden for the county of Middlesex, at Justice Hall, in the Old Bailey, in the suburbs of the city of London, by means whereof he the said M. W. was afterwards, that is to say, on the said seventh day of August, discharged from the said gaol of Newgate, and by means whereof he the said M. W. then and there did escape and go at large, and also by means thereof he the said M. W. did not appear at the said then next general gaol delivery, holden for the said county of Middlesex, to answer to certain indictments then and there (to wit, at the said then next general gaol delivery for the said county of Middlesex) preferred against him for the matters of complaint in the said warrant of commitment above specified, nor hath since appeared to be dealt with according to law, to the great hindrance of public justice, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity: *And the said coroner and attorney of our said present sovereign lord the king, for our said present sovereign lord the king giveth the court here further to understand and be informed, that afterwards, that is to say, on the said nineteenth day of July, in the twenty-ninth year aforesaid, the aforesaid Martin Warinn was duly committed to his majesty's said gaol of Newgate for the county of Middlesex, for want of sureties being charged on the oath of one Thomas Davis, with seducing several persons (being natives of this kingdom and manufacturers in glass) to go into foreign service; and that the aforesaid Thomas L. well knowing the premises afterwards, and during the time the said M. W. was kept and detained in the same gaol for the cause aforesaid, that is to say, on the said seventh day of August, in the twenty-ninth year aforesaid, he the said Thomas L. (then and yet being one of the justices of our said lord the king, assigned to keep the peace of our said lord the king, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county of Middlesex) but having no regard for the duty of his said office, or for the laws and statutes of this realm, but unjustly and corruptly devising, designing, contriving, and intending to pervert the due course of law and justice, and to make the same subservient to his own private wicked purposes and intentions, and also devising, designing, contriving, and intending to cause and procure*

2d Count states
was committed
for want of
sureties.

cure the said M. W. to be discharged and go unpunished for the said last-mentioned offences, did then and there, to wit, on the said seventh day of August, in the twenty-ninth year aforesaid, at the parish of Saint Margaret, Westminster, in the county of Middlesex aforesaid, with force and arms, unlawfully, unjustly, and corruptly cause and procure the said M. W. to be discharged out of the said gaol and to go unpunished for the said last-mentioned offences, by then and there making a certain other warrant, purporting to be a warrant under the hand and seal of him the said Thomas L. and to bear date the same day, and to be directed to the keeper of Newgate, or his deputy, and thereby directing and requiring the said keeper of Newgate, or his deputy, to discharge the body of the said Martin Warinn, and also in and by the said last-mentioned warrant, suggesting that he the said Thomas L. had taken sufficient sureties for the personal appearance of him the said M. W. at the then next general gaol delivery to be holden for the said county of Middlesex, at Justice Hall, in the Old Bailey, in the suburbs of the city of London; whereas in truth and in fact he the said Thomas L. did not take sufficient sureties for the personal appearance of the said M. W. at the said then next general gaol delivery to be holden for the said county of Middlesex, as in and by the said last-mentioned warrant is most falsely suggested, by reason and means whereof he the said M. W. was discharged out of the said gaol of Newgate, in which he was so confined for the matters last-mentioned as aforesaid, and did not appear at the said then next general gaol delivery, holden for the said county of Middlesex, to answer for the same, and also by reason and means thereof he the said M. W. did escape and go unpunished for the said last-mentioned offences, for which he had been so detained in the said gaol of Newgate as aforesaid, to the great hindrance of public justice, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity: *And the said coroner* and attorney of our said lord the king, for our said lord the king giveth the court here further to understand and be informed, that afterwards, that is to say, on the said nineteenth day of July, in the twenty-ninth year aforesaid, the said M. W. was duly committed to his said majesty's said gaol of Newgate, for the said county of Middlesex, by B. M. esquire (then and yet one of the justices of our said lord the king, assigned to keep the peace of our said lord the king in the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdeeds committed in the said county), by a certain other warrant, under his hand and seal, bearing date the day and year last above mentioned, for seducing Joseph (meaning Joseph) Pyne, J. S. W. F. T. S. J. T. W. B. and J. K. (being natives of this kingdom and manufacturers in glass) to go into foreign service; and that afterwards, to wit, at the session of the general gaol

3d Count states commitment as in the 1st, and that various indictments were preferred, but defendant took insufficient sureties, and prisoner did not appear.

INFORMATION IN THE CROWN OFFICE

delivery of Newgate, holden for the said county of Middlesex, at Justice Hall, in the Old Bailey, in the suburbs of the city of London, on Wednesday, the tenth day of September, in the twenty-ninth year aforesaid (the same being the first session of general gaol delivery, holden in the said county after the said nineteenth day of July), the said Martin Warinn was in due form of law indicted in one indictment by the name of M. W. otherwise Martin Warinn, late of the parish of Saint John, Wapping, in the county of Middlesex, yeoman, amongst other things, for unlawfully enticing and persuading the said Joseph Pyne, in the said last-mentioned warrant called by the name of Joseph Pyne, (being an artificer and manufacturer of Great Britain, in the art, trade, and mystery of glassmaker, being a trade and manufacture of this kingdom) to go out of this kingdom into a foreign country not within his said majesty's dominions, that is to say, into Norway and parts beyond the seas, to the great danger of transplanting the said trade and manufacture into foreign countries, against the form of the statutes in such case made and provided; and that he the said M. W. in the said last-mentioned warrant named, was also at the same session of general gaol delivery of Newgate, holden for the said county of Middlesex, in due form of law indicted in another indictment by the name of M. W. otherwise M. W. late of the parish of Saint John, Wapping, in the county of Middlesex, yeoman, among other things, for unlawfully enticing and persuading *James Swinger*, otherwise Swingerwood, in the said last-mentioned warrant called by the name of J. S. (being an artificer and manufacturer of Great Britain, in the art, trade, and mystery of a glassmaker, being a trade and manufacture of this kingdom) to go out of this kingdom into a foreign country not within his said majesty's dominions, that is to say, into Norway, in parts beyond the seas, to the great danger of transplanting the said trade and manufacture into foreign countries, against the form of the statute in such case made and provided; and that he the said M. W. in the said last-mentioned warrant named, was also at the same session of general gaol delivery of Newgate, holden for the said county of Middlesex, in due form of law indicted, &c.: (another indictment for persuading William Fagnali, another for persuading Thomas Simes, another for persuading Joseph Thompson, another for persuading William Brown, and another for persuading James Keet): And the said coroner and attorney of our said lord the king, for our said lord the king giveth the court here further to understand and be informed, that the said Thomas L. after the time of the said Martin Warinn's being so committed to the said gaol of Newgate, by such last-mentioned warrant as aforesaid, and during the time of his the said M. W.'s being detained in the said gaol of Newgate by virtue of such warrant, and before the said session of general gaol delivery of Newgate, so holden for the said county of Middlesex, that is to say, on the said seventh day of August, in the twenty-ninth year aforesaid,

aforesaid, at the parish of Saint Margaret, Westminster, aforesaid, in the said county of Middlesex (being then such justice of the peace of our said lord the king as aforesaid, and well knowing the grievous pains and penalties he the said M. W. would by the laws and statutes of this realm become subject and liable to, by means of the several offences so as aforesaid charged against him in and by such last-mentioned warrant, but wickedly, unlawfully, and corruptly devising, contriving, and intending, contrary to the duty of his office and the laws of this kingdom, to cause and procure the said M. W. to escape and go unpunished for the offences so as aforesaid charged against him in and by such last-mentioned warrant), he the said Thomas L. did then and there, with force and arms, unlawfully, wilfully, unjustly, and corruptly cause and procure him the said M. W. to be discharged out of the said gaol, and to go unpunished for the said offences in the said last-mentioned warrant mentioned, by his the said Thomas L. then and there making a certain other warrant, under his hand and seal, purporting to bear date on the said seventh day of August, and to be directed to the keeper of Newgate, or his deputy (and which said warrant is according to the purport and effect following, that is to say): "Middlesex, to wit. To the keeper of Newgate, or his deputy. Discharge out of your custody the body of M. W. if detained for no other cause than what is mentioned in the warrant of commitment of Boulton Mainwaring, esquire, dated the nineteenth day of July last, on the oath of Thomas Davis, for seducing Joseph Pyne, James Swinger, William Fagnall, Thomas Simes, Joseph Thompson, William Brown, and James Keet, being natives of this kingdom and manufacturers in glass, to go into foreign service; having taken sufficient sureties for his personal appearance at the next general gaol delivery, to be holden for the county of Middlesex, at Justice Hall, in the Old Bailey, in the suburbs of the city of London; and for your so doing this shall be your warrant. Given under my hand and seal, the seventh day of August 1755. Thomas L. L. S." Whereas in truth and in fact he the said Thomas L. had not taken sufficient sureties for the personal appearance of the said M. W. at the said then next general gaol delivery, to be holden for the said county of Middlesex, as in and by the said last-mentioned warrant is most untruly alledged, and he the said Thomas Lediard then and there well knew the same; by reason and means whereof he the said M. W. was discharged out of the said gaol of Newgate, in which he was so detained for the cause aforesaid, and did not appear at the said then next general gaol delivery, holden for the said county of Middlesex, or at any subsequent session of general gaol delivery holden for the said county, to answer to all, or any, or either of the said indictments so as aforesaid there depending against him, but made default, and by reason and means thereof all and every the said indictments still remain unanswered and undefended; and he the said

Conclusion.

M. W. hath hitherto escaped and gone unpunished for the several offences for which he was so committed to the said gaol of Newgate as aforesaid, to the total perversion of the public justice of this kingdom, in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity: *Whereupon* the said coroner and attorney of our said present sovereign lord the king, for our said present sovereign lord the king, prayeth the consideration of the court here in the premises, and that due process of law may be awarded against him the said Thomas L. in this behalf, to make him answer to our said present sovereign lord the king touching and concerning the premises aforesaid.

Hilary Term, 28. Geo. III.

Information against justices of the peace for misconduct in their office, exhibited in the crown office, in illegally discharging a person committed under the vagrant act by another magistrate.

MIDDLESEX, to wit. Be it remembered that James Templer, esquire, coroner and attorney of our present sovereign lord the king, in the court of our lord the king before the king himself, who prosecuteth for our said present sovereign lord the king in this behalf, in his proper person cometh here into the court of our lord the king before the king himself, at Westminster, on Wednesday next after the morrow of the Purification of the Blessed Virgin Mary in this same term, and for our present sovereign lord the king giveth the court here to understand and be informed, that on the seventeenth day of July, in the year of Our Lord 1787, at and in the liberty of his majesty's Tower of London, in the county of Middlesex, one Charles Bannister was brought before John Staples, esquire, one of his majesty's justices of the peace in and for the said liberty, by William Embly, a constable, and charged of being a rogue and vagabond, within the intent and meaning of an act of parliament made in the seventeenth year of the reign of his late majesty king George the Second, intituled, "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction;" for that he the said Charles Bannister, not being authorized by law, did, on the sixteenth day of July, in the year of Our Lord 1787, for hire and gain act and perform the part and character of Menelaüs, in a certain entertainment of the stage called The Birth-Day; or, The Arcadian Contest, in a certain theatre called Royalty Theatre, situate in Well-street, in the parish of Saint Mary Matfellow, otherwise Whitechapel, in the said liberty, contrary to the said statute, &c. and was thereupon convicted and adjudged by the said justice to be a rogue and vagabond, within the intent and meaning of the said statute, and was ordered and adjudged by the said justice to be committed to the house of correction at Wellclose-square, in the liberty aforesaid, for the space of fourteen days from the date thereof, as by the record of the said conviction, bearing date the said

said seventeenth day of July 1787, appears; and the said coroner and attorney of our said lord the king, who for our said lord the king prosecutes as aforesaid, further gives the court here to understand and be informed, that the said J. Staples, so being such justice as aforesaid, afterwards, to wit, on the seventeenth day of July, in the year last aforesaid, at the liberty aforesaid, in the county of Middlesex aforesaid, in execution of the said judgment and conviction, did make and issue his warrant in writing under his hand seal, bearing date the same day and year last aforesaid, directed to the governor of the house of correction at Wellclose-square, or his deputy, whereby the said governor, or his deputy, were commanded by the said justice to receive into their custody the body of the said C. B. therewith sent them, brought before the said justice, and charged and convicted as aforesaid, and him safely to keep in their custody for the said space of fourteen days from the date thereof, which said warrant afterwards, to wit, on the said seventeenth day of July, in the year 1787 aforesaid, at the liberty aforesaid, in the county of Middlesex aforesaid, was delivered to the said governor of the house of correction, at Wellclose-square aforesaid, in due form of law to be executed, together with the said C. B. by virtue of which said warrant he the said governor kept and detained the said C. B. in his custody in the said house of correction, at Wellclose-square aforesaid, for the cause in the said warrant as above specified, as by the said warrant he was commanded: And the said coroner and attorney of our said present sovereign lord the king, for our said present sovereign lord the king giveth the court here further to understand and be informed, that afterwards, and within the said space of fourteen days from the date of the said warrant, and whilst the said C. B. was so confined in the said house of correction, and in the custody of the said governor thereof, and there ought to have remained and continued for the said space of time in the said warrant for that purpose expressed, for the cause aforesaid, under and by virtue of the said warrant, to wit, on the said seventeenth day of July, in the year aforesaid, at the liberty aforesaid, in the county of Middlesex aforesaid, one Richard B. late of , esquire, and one James R. late of , esquire, they the said Richard B. and James R. then and still being two of his majesty's justices in and for the said liberty, well knowing the said premises, but devising, designing, contriving, and intending to pervert the due course and administration of law and justice, and to make the same subservient to their own private lucre and gain, and to their own private wicked purposes and intentions, did under colour and pretence of their authority as such justices as aforesaid, with force and arms, unlawfully, wilfully, unjustly, and corruptly cause and procure the said Charles B. to be discharged, and to escape and go at large from and out of the custody of the said governor of the said house of correction, and from and out of the said house of correction in which he the said C. B. was so confined as aforesaid, for the cause aforesaid, and to go
unp. dist. ,

unpunished, by then and there wilfully, wickedly, unlawfully, and corruptly making and issuing, and causing to be delivered to the said governor of the said house of correction, at Wellclose-square aforesaid, a certain warrant in writing, under the respective hands and seals of the said Richard B. and James R. (they the said Richard B. and James R. then being such two of his majesty's justices of the peace in and for the said liberty as aforesaid), bearing date the day and year last aforesaid, directed to the keeper of the Tower gaol, Wellclose-square (meaning thereby the said governor of the said house of correction at Wellclose-square), or his deputy, by which said last-mentioned warrant they the said justices required the said keeper to discharge out of his custody the body of the said Charles Bannister, if detained for no other cause than what was mentioned in his commitment, dated the seventeenth day of July 1787 (meaning the said warrant of commitment of the said C. B. so made by the said John Staples, esquire, so being such justice of the peace for the said liberty, and hereinbefore mentioned) he the said C. B. having, as therein alledged, found sureties before them the said R. B. and J. R. to appear at the general quarter sessions of the peace, to be holden for the said liberty on the tenth of September then next, to answer to such matters and things as might be objected against him the said C. B. and to appeal against the said conviction, by means whereof he the said C. B. was afterwards, and before the expiration of fourteen days from the date of the said warrant of commitment, to wit, on the seventeenth day of July 1787 aforesaid, at the liberty aforesaid, in the county aforesaid, discharged and set at large from the custody of the said governor, of, and from, and out of the said house of correction and Tower gaol, and did thereby then and there escape and go at large and unpunished for the said offence, in manifest breach and violation of their duties as such justices of the peace as aforesaid, to the great hindrance and mockery of the public justice of this kingdom, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity : And the said coroner and attorney of our said lord the present king, for our said lord the present king giveth the court here further to understand and be informed, that afterwards, that is to say, on the said seventeenth day of July, in the said year 1787, at and in the liberty of his majesty's said Tower of London, in the county aforesaid, the said John Staples, esquire, then and yet being one of his majesty's justices in and for the said liberty, did make his certain other warrant in writing under his hand and seal, bearing date the same day and year last aforesaid, directed to the governor of the house of correction at Wellclose-square, or to his deputy, whereby he the said governor, or his deputy, were commanded to receive into their custody the body of one Charles B. therewith sent to them, brought

ed Count.
Another infor-
mation.

brought before him the said J. Staples, esquire, one of his majesty's justices of the peace in and for the said liberty, by William Embly, a constable, and charged and convicted before him the said justice, upon the oath of Thomas Wapshott of being a rogue and vagabond within the intent and meaning of an act of parliament, made in the seventeenth year of the reign of his late majesty king George the Second, entitled "An Act to amend
" and make more effectual the Laws relating to Rogues and
" Vagabonds, and other idle and disorderly Persons, and to
" Houses of Correction;" for that he the said C. B. not being authorized by law, did on the sixteenth day of July, in the year of Our Lord 1787, for hire and gain act and perform the part and character of Menelaus in a certain entertainment of the stage called The Birth-Day; or, The Arcadian Contest, in a certain theatre called Royalty Theatre, situate in Well-street, in the parish of Saint Mary Matfellow, otherwise Whitechapel, in the said liberty, contrary to the statute, &c. and safely to keep him the said C. B. in their custody for the said space of fourteen days from the date of the said last-mentioned warrant, which said last-mentioned warrant afterwards, to wit, on the said seventeenth day of July, in the year 1787 aforesaid, at the liberty aforesaid, in the county of Middlesex aforesaid, was delivered to the said governor of the house of correction, at Wellclose-square aforesaid, in due form of law to be executed, together with the said Charles Bannister, by virtue of which said last-mentioned warrant he the said governor kept and detained the said C. B. in his custody, in the said house of correction, at Wellclose-square aforesaid, for the cause in the said last-mentioned warrant above specified, as by the said last-mentioned warrant he was commanded: And the said coroner and attorney of our said present sovereign lord the king, for our said present sovereign lord the king giveth the court here further to understand and be informed, that afterwards and within the said space of fourteen days from the date of the said last-mentioned warrant, and whilst the said Charles Bannister was so confined in the said house of correction, and in the custody of the said governor thereof, and there ought to have remained and continued for the said space of time in the said last-mentioned warrant for that purpose specified, for the cause aforesaid, under and by virtue of the said last-mentioned warrant, to wit, on the said seventeenth day of July, in the year aforesaid, the said Richard B. esquire, and James R. (they the said Richard B. and James R. then and still being two of his majesty's justices in and for the said liberty) well knowing the said premises, but devising, designing, contriving, and intending to pervert the due course and administration of law and justice, and to make the same subservient to their own private lucre and gain, and to their own private wicked purposes and intentions, at the liberty aforesaid, in the county aforesaid, under colour and pretence of their authority as such justices as aforesaid, did, with force and arms, wilfully, unjustly,

unpunished, by then and there wilfully, wickedly, unlawfully, and corruptly making and issuing, and causing to be delivered to the said governor of the said house of correction, at Wellclove-square aforesaid, a certain warrant in writing, under the respective hands and seals of the said Richard B. and James R. (they the said Richard B. and James R. then being such two of his majesty's justices of the peace in and for the said liberty as aforesaid), bearing date the day and year last aforesaid, directed to the keeper of the Tower gaol, Wellclove-square (meaning thereby the said governor of the said house of correction at Wellclove-square), or his deputy, by which said last-mentioned warrant they the said justices required the said keeper to discharge out of his custody the body of the said Charles Bannister, if detained for no other cause than what was mentioned in his commitment, dated the seventeenth day of July 1787 (meaning the said warrant of commitment of the said C. B. so made by the said John Staples, esquire, so being such justice of the peace for the said liberty, and hereinbefore mentioned) he the said C. B. having, as therein alledged, found sureties before them the said R. B. and J. R. to appear at the general quarter sessions of the peace, to be holden for the said liberty on the tenth of September then next, to answer to such matters and things as might be objected against him the said C. B. and to appeal against the said conviction, by means whereof he the said C. B. was afterwards, and before the expiration of fourteen days from the date of the said warrant of commitment, to wit, on the seventeenth day of July 1787 aforesaid, at the liberty aforesaid, in the county aforesaid, discharged and set at large from the custody of the said governor, of, and from, and out of the said house of correction and Tower gaol, and did thereby then and there escape and go at large and unpunished for the said offence, in manifest breach and violation of their duties as such justices of the peace as aforesaid, to the great hindrance and mockery of the public justice of this kingdom, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity : And the said coroner and attorney of our said lord the present king, for our said lord the present king giveth the court here further to understand and be informed, that afterwards, that is to say, on the said seventeenth day of July, in the said year 1787, at and in the liberty of his majesty's said Tower of London, in the county aforesaid, the said John Staples, esquire, then and yet being one of his majesty's justices in and for the said liberty, did make his certain other warrant in writing under his hand and seal, bearing date the same day and year last aforesaid, directed to the governor of the house of correction at Wellclove-square, or to his deputy, whereby he the said governor, or his deputy, were commanded to receive into their custody the body of one Charles B. therewith sent to them, brought

ad Count.
Another infor-
mation.

brought before him the said J. Staples, esquire, one of his majesty's justices of the peace in and for the said liberty, by William Embly, a constable, and charged and convicted before him the said justice, upon the oath of Thomas Wapshott of being a rogue and vagabond within the intent and meaning of an act of parliament, made in the seventeenth year of the reign of his late majesty king George the Second, entitled "An Act to amend
 " and make more effectual the Laws relating to Rogues and
 " Vagabonds, and other idle and disorderly Persons, and to
 " Houses of Correction;" for that he the said C. B. not being authorized by law, did on the sixteenth day of July, in the year of Our Lord 1787, for hire and gain act and perform the part and character of Menelaus in a certain entertainment of the stage called The Birth-Day; or, The Arcadian Contest, in a certain theatre called Royalty Theatre, situate in Well-street, in the parish of Saint Mary Matfellow, otherwise Whitechapel, in the said liberty, contrary to the statute, &c. and safely to keep him the said C. B. in their custody for the said space of fourteen days from the date of the said last-mentioned warrant, which said last-mentioned warrant afterwards, to wit, on the said seventeenth day of July, in the year 1787 aforesaid, at the liberty aforesaid, in the county of Middlesex aforesaid, was delivered to the said governor of the house of correction, at Wellclose-square aforesaid, in due form of law to be executed, together with the said Charles Bannister, by virtue of which said last-mentioned warrant he the said governor kept and detained the said C. B. in his custody, in the said house of correction, at Wellclose-square aforesaid, for the cause in the said last-mentioned warrant above specified, as by the said last-mentioned warrant he was commanded: And the said coroner and attorney of our said present sovereign lord the king, for our said present sovereign lord the king giveth the court here further to understand and be informed, that afterwards and within the said space of fourteen days from the date of the said last-mentioned warrant, and whilst the said Charles Bannister was so confined in the said house of correction, and in the custody of the said governor thereof, and there ought to have remained and continued for the said space of time in the said last-mentioned warrant for that purpose specified, for the cause aforesaid, under and by virtue of the said last-mentioned warrant, to wit, on the said seventeenth day of July, in the year aforesaid, the said Richard B. esquire, and James R. (they the said Richard B. and James R. then and still being two of his majesty's justices in and for the said liberty) well knowing the said premises, but devising, designing, contriving, and intending to pervert the due course and administration of law and justice, and to make the same subservient to their own private lucre and gain, and to their own private wicked purposes and intentions, at the liberty aforesaid, in the county aforesaid, under colour and pretence of their authority as such justices as aforesaid, did, with force and arms, wilfully, unjustly,

3d Count, for preventing the officer from taking C. B. before the magistrate.

justly, and corruptly order, cause, and procure the said Charles Bannister to be discharged and to escape and go at large from and out of the custody of the said governor of the said house of correction, and from and out of the said house of correction in which he the said Charles Bannister was so confined as aforesaid, for the cause aforesaid, and to go unpunished; by means whereof he the said C. Bannister was afterwards, and before the expiration of fourteen days from the date of the said last-mentioned warrant of commitment, to wit, on the said seventeenth day of July 1787, at the liberty aforesaid, in the county aforesaid, discharged and set at large from the said custody of the said governor of, from, and out of the said house of correction, and did thereby then and there escape and go at large and unpunished, in manifest breach and violation of their duties as such justices as aforesaid, to the great hindrance and mockery of the public justice of this kingdom, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity: And the said coroner and attorney of our said lord the present king, for our said lord the present king giveth the court here further to understand and be informed, that heretofore, to wit, on the said seventeenth day of July, in the said year 1787, the said John Staples, esquire, then and still being one of his majesty's justices of the peace in and for the said liberty, did within the said liberty, in the said county of Middlesex, make and issue his certain other warrant in writing, under his hand and seal, bearing date the day and year last aforesaid, directed to all constables, headboroughs, and other his majesty's officers of the peace for the said county of Middlesex and liberty of the Tower of London, and to John Hitchen, for that purpose especially appointed, by which said last-mentioned warrant they the said constables, headboroughs, and other officers, and the said John Hitchen, to whom the same was directed as aforesaid, were in his majesty's name commanded upon sight thereof to take and bring before him the said John Staples, one of his majesty's justices of the peace in and for the said county and liberty, the body of William Palmer, of whom they should have notice, to answer all such misdemeanors, matters, and things as on his majesty's behalf were upon oath objected, complained, and charged against him, before him the said J. S. and in particular by Richard Jacobs, of being a rogue and vagabond, for that he the said William Palmer did on the sixteenth day of July then instant, unlawfully, for hire and gain, act and perform the part and character of Apollo in a certain entertainment of the stage called Hobson's Choice; or, The Spits in Distress, in a certain theatre called Royalty Theatre, situate in Well-street, in the said liberty of the Tower, against the statute, &c. which said last-mentioned warrant, afterwards, to wit, on the said seventeenth day of July, in the year last aforesaid, at the liberty aforesaid, in the county of Middlesex aforesaid,

faid, was delivered to the faid William Embly, then and there being such constable as aforesaid, to be executed in due form of law; by virtue of which faid last-mentioned warrant he the faid William Embly, to whom the faid last-mentioned warrant was so directed and delivered as aforesaid, afterwards, to wit, on the day and year last aforesaid, at and in the liberty aforesaid, in the county aforesaid (having possession of the faid last-mentioned warrant) took and apprehended the faid William Palmer by his body, and was then and there about to take and convey, and would then and there have taken and conveyed him before the faid John Staples, esquire (so being such justice making and issuing the faid last-mentioned warrant as aforesaid), according to the exigency of the faid last-mentioned warrant, and as it was lawful for him to do; for the cause aforesaid; but the faid coroner and attorney of our faid present sovereign lord the king, for our faid present sovereign lord the king giveth the court here further to understand and be informed, that after the faid caption, and whilst the faid William Palmer remained in the custody of the faid William Embly, under and by virtue of the faid last-mentioned warrant, and upon the faid W. Embly was proceeding to take and convey him the faid W. P. before the faid John Staples, esquire (so being such justice making and issuing the faid last-mentioned warrant as aforesaid), according to the exigency of the faid last-mentioned warrant, they the faid Richard B. and James R. (so then and there being two of his majesty's justices of the peace in and for the faid liberty, but having no regard to the duty of their faid office, or for the laws and statutes of this realm, but unjustly and corruptly devising, designing, contriving, and intending to pervert the due course of law and justice, and to make the same subservient to their own private wicked purposes and intentions, and also to cause and procure the faid W. P. to be discharged and to go at large and unpunished for the faid last-mentioned offence), then and there, that is to say, on the day and year last aforesaid, at the liberty aforesaid, in the county aforesaid, with force and arms, unlawfully, unjustly, corruptly and violently, and without any reasonable or probable cause whatsoever, did obstruct, prevent, and hinder the faid W. E. from conveying and taking the faid W. P. before the faid John Staples, esquire (so being such justice, and making and issuing the faid last-mentioned warrant as aforesaid), according to the exigency of the faid last-mentioned warrant, and on the contrary thereof did then and there, with force and arms, &c. unlawfully, unjustly, and corruptly, under colour and pretence of their authority as such justices as aforesaid, discharge and set at large, and cause and procure to be discharged and set at large the faid W. P. from the custody of the faid W. E. (so being the person to whom the faid last-mentioned warrant was directed as aforesaid) under and by virtue of the faid last-mentioned warrant, and from the faid warrant, before the faid William Palmer could be taken and conveyed before the faid John Staples, esquire (so being such justice

justice as aforesaid, and so making and issuing such last-mentioned warrant), according to the exigency of the said last-mentioned warrant, by reason whereof he the said William Embly was then and there wholly hindered and prevented from executing the said last-mentioned warrant, as he was thereby commanded, and by reason whereof he the said W. P. did then and there escape and go at large and unpunished for the said last-mentioned offence, in manifest breach and violation of their duties as such justices of the peace as aforesaid, to the great hindrance of the public justice of this kingdom, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity: Whereupon the said coroner and attorney of our said present sovereign lord the king, for our said sovereign lord the king prayeth the consideration of the court here in the premises, and that due process of law may be awarded against the said James R. and Richard B. in this behalf, to make them answer to our said present sovereign lord the king, touching and concerning the premises aforesaid.

G. Wood.

ON STATUTES.

Trinity Term, 1788.

Information on
19. Geo. 3. c. 56.
13 & 4. 1st
Count for selling
goods and ef-
fects within the
weekly bills, by
way of auction,
to one B. B.
without a li-
cence.

THE KING } MIDDLESEX, to wit. Be it remembered
against } that R. P. Arden, esquire, his majesty's attorney
W. CLARK. } general, who prosecutes for his said majesty in this
behalf, being present here in court the eleventh day of June in
this same term, in his proper person doth on behalf of his said
majesty give the court here to understand and be informed, that
William Clarke, late of Whitechapel, in the county of Middle-
sex, after the fifth day of July 1779, and before the day of ex-
hibiting this information, to wit, on the fourteenth day of De-
cember 1787, at a certain place within the weekly bills of mor-
tality, to wit, at Westminster aforesaid, in the said county of
Middlesex, did, in the capacity of an auctioneer, vend and sell
certain goods and effects to one B. B. at a public sale by way of
auction, at which divers persons then and there bid for the said
goods and effects, and at which said sale the said B. B. was the
best and highest bidder, without first taking out a licence to
use and exercise the trade and business of an auctioneer, accord-
ing to the directions and provisions of the statute in that case made
and provided, contrary to the form of the said statute: whereby
and by force of the said statute the said W. C. hath for his said
offence

offence forfeited and lost the sum of one hundred pounds: And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty give the court here to understand and be informed, that the said W. C. after the said fifth day of July 1779, and before the day of exhibiting this information, to wit, on the fourteenth day of December 1787, at a certain place within the weekly bills of mortality, to wit, at W. aforesaid, in the said county of Middlesex, did, in the capacity of an auctioneer, put up to public sale and offer to vend and sell certain other goods and effects, by way of auction, to divers persons then and there assembled, without first taking out a licence to use and exercise the trade and business of an auctioneer, according to the directions and provisions of the said statute in that case made and provided, contrary to the form of the said statute, whereby and by force of the said statute the said W. C. hath for his said last-mentioned offence forfeited the further sum of one hundred pounds: Wherefore his said majesty's attorney general, on behalf of his said majesty, prayeth the consideration of this court in the premises, and that the said several sums of money so forfeited by the said W. C. in this behalf as aforesaid, may be adjudged to his said majesty, and that the said W. C. may appear here in court to answer concerning the offences aforesaid, and concerning the said several sums of money.

2d Count for putting up and offering to sale goods and effects by way of auction, without a licence.

(a) THAT defendants being retailers of beer and ale, after the first day of September 1663, and before the day of exhibiting this information, to wit, on the ninth day of March 1787, and whilst they were such retailers of beer and ale, to wit, at Westminster aforesaid, in the said county, did make use of and keep a certain private and concealed storehouse for the laying of beer, ale, and worts in cask, contrary to the form of the statute in such case made and provided; whereby, and by force of the statutes in that case made and provided, the defendants have forfeited for their said offence the sum of fifty pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court to understand and be informed, that the said defendants, so being such retailers of beer and ale as aforesaid, after the first day of September 1663, and before the day of exhibiting this information, to wit, on the ninth day of March 1787, and whilst they were such retailers of beer and ale, to wit, at Westminster aforesaid, in the said county, did set up and make use of a certain tun for the brewing and making beer, ale, and worts, other than such as was at the making of the statute in that case made and provided, openly set up, erected, and made use of in their common and usual brewhouse, and then openly discovered and known, without first giving notice thereof at the next office of excise, or to the commissioners, farmers, or sub-governors of excise, or one of

Information on 15. Cha. 2. c. 11. f. 1. against retailers for keeping a private and concealed storehouse, for the laying beer, ale, and worts in cask.

1. W. & M. sess. 1. c. 24. f. 11.

2d Count on same statute for setting up a tun for brewing without giving notice to the excise officers.

(a) These Informations by the attorney general have all a like beginning. See ante and post.

them,

INFORMATION BEFORE JUSTICES.

them, within the limits and jurisdiction of whose office they the said defendants did inhabit, contrary, &c. *per quod*, and by force of the said statute the said defendants have forfeited the sum of one hundred and fifty pounds for the said tun so set up and made use of without such notice given as aforesaid.

GEORGE WOOD.

Information before a justice of the peace on the post-horse act (25 Geo. 3. c. 51. s. 18.) for issuing a ticket with a charge by the mile, and taking a greater price for the stage without accounting to the collector.

MIDDLESEX, to wit. Be it remembered that on the day of _____, in the year of Our Lord 1788, and in the twenty-eighth year of the reign of our sovereign lord George the Third, at the Public Office, in Bow-street, in the city and liberty of Westminster, in the county of Middlesex, W. Harrison comes before me, Sir Sampson Wright, knight, one of his majesty's justices of the peace for the said city and liberty (I the said justice residing near the place in which the offence hereafter mentioned was committed); and as well for our lord the king as for himself, the said W. H. now gives me the said justice to understand and be informed, that after the first day of August, which was in the year of Our Lord 1785, and within the space of six calendar months from the time of incurring the penalty hereafter mentioned, that is to say, on the twenty-fourth day of November, in the year of Our Lord 1787, George Boulton, late of Charing Cross, in the parish of Saint Martin in the Fields, in the said city of Westminster, in the county aforesaid, then being a person licensed to let to hire horses for the purpose of travelling post, by the mile, or from stage to stage, and to let to hire for a day or less period of time horses for drawing a coach or other carriage, and in travelling post or otherwise, pursuant to an act of parliament passed in the twenty-fifth year of the reign of our said lord the king, entitled, "*An Act for repealing the Duties on Licences taken out by Persons letting Horses for the Purpose of travelling Post, and on Horses let to hire for travelling Post and by Time, and on Stage Coaches, and for granting other Duties in Lieu thereof, and also additional Duties on Horses let to hire for travelling Post and by Time,*" did at the parish aforesaid, in the city and liberty aforesaid, issue a certain Stamp-Office ticket to a certain person travelling post, that is to say, from _____ to Greenwich, in the county of Kent, in and by a certain carriage drawn by horses, that is to say, a certain post-chaise drawn by two horses used in travelling post, which said ticket had the number of miles expressed thereon, according to the distance of the stage, that is to say, six miles; and that the said George Boulton so being the person issuing the same, then and there, that is to say, on the day and year in that behalf above-mentioned, at the parish aforesaid, in the city and liberty aforesaid, did charge the said traveller a specific sum, that is to say, the sum of twelve shillings by the stage, and not at or after the usual or any certain rate per mile, and that he the said G. Boulton, so being such person issuing the said ticket as aforesaid, and being accountable in that case for one fourth part of the money so received by

him, as and for the duty by the said act directed to be paid, did not in that case express on the said ticket the money charged to such traveller, and did not in the weekly account kept by him, pursuant to the direction and requisition of the said act, account for one fourth part of the money so received, and did not pay the same to the collector or the collectors appointed by the said act to receive and collect the said duties, contrary to the form of the statute in such case made and provided, whereby and by force of the statute in such case made and provided the said G. B. forfeited and became liable to pay for his said offence the sum of ten pounds: Wherefore this informant prays the consideration of the said justice in the premises, and that the said G. B. may be convicted of the said offence, and that one moiety of the said forfeiture may be adjudged to our said lord the king, and the other moiety thereof to the said informant, according to the form of the statute in such case made and provided; and that the said G. Boulton may be summoned to appear before me, and answer the premises, and make his defence thereto.

LONDON, to wit. Be it remembered that on the thirteenth day of February, in the year of Our Lord 1787, Thomas Wigley, of the Stamp-Office, gentleman, comes before me Nathaniel Newnham, one of his majesty's justices of the peace for the said city (I the said justice *residing near to the place* where the offence hereafter mentioned was committed), as well for our lord the king as for himself giveth me the said justice to understand and be informed, that James Speight, late of Cheapside, in the parish of Saint Mary-le-bone, in the said city, after the fifth day of July 1786, to wit, on the tenth day of January, in the year of Our Lord 1787 (*a*), did *vend to one Mrs. Flight, in a certain shop situate and being in Cheapside aforesaid, in the said city, a certain packet of pomatum, containing a certain quantity, to wit, three penny worth, at and for a certain price not exceeding eight pence, to wit, at and for the price of three pence, and subject to the duty of one penny, by a certain act of parliament, made in the parliament of our said lord the present king, at a session thereof holden at Westminster in the twenty-sixth year of his reign, entitled, "An Act for granting to his Majesty certain Stamp Duties on Perfumery, Hair Powder, and other Articles therein-mentioned, and on Licences to be taken out by Persons uttering or vending the same;" (of which said shop notice in writing, as in the said act is directed, had been be-*

An information on the 26th Geo. 3. c. 49. s. 17 & 15. for selling packets without a proper stamp, and for buying to be used a second time a stamp that had been used before.

Vide sect. 29.

Vide sect. 17.

(*a*) The statute makes it necessary that the information should be brought *within six calendar months after the offence committed*; but this need not be

stated in the body of the information, it being sufficient if it appears from the dates to be within the time limited.

fore the time of the said sale, and after the said fifth day of July 1786 sent by the said James Speight to the commissioners for the time being for managing the duties on stamped vellum, parchment, and paper, that the same shop was the usual shop (a) where he should utter, vend, and expose to sale the wares and articles liable to the duties by the said act imposed) no cover, wrapper, or label by the said act directed to be pasted, stuck, fastened, or affixed to the same, being previous to such sale well and sufficiently pasted, stuck, fastened, or affixed thereto in such manner as the commissioners appointed to manage the duties arising by stamps on vellum, parchment, and paper had directed, or in any manner whatsoever, or marked, or stamped, or printed, or impressed with any mark or device, or any particular word or words to denote the said duty of one penny, and the rate thereof, as by the said act is directed, contrary to the form of the statute in such case made and provided, whereby and by force of the same statute, the said James Speight hath for his said offence forfeited the sum of five pounds; wherefore the said informant prays the consideration of me the said justice in the premises, and that the said James Speight may be convicted of the said offence, and that one moiety of the said forfeiture may be adjudged to our said lord the king, and the other moiety thereof to the said informant, according to the form of the statute in such case made and provided, and that the said James Speight may be summoned to appear before me and answer the premises, and make his defence thereto.

Vide sect. 11.

Vide sect. 10.

Vide sect. 11.

(a) Not necessary in an information to set out negatively the qualifications of defendant, when contained in the *proviso* of a statute. ; *Stra.* 555. 1101,

but otherwise when contained in the purview (or enacting clauses) of the statute. *1. Burr.* 143.

Trinity Term, 28. Geo. III.

Information in the exchequer on the relation of the attorney general against defendant for smuggling tea without having paid the duty.

MIDDLESEX. Be it remembered that Richard Pepper Arden, esquire, his majesty's attorney general, who prosecuteth for his said majesty, being present here in court the eleventh day of June, in this term, in his proper person doth on the behalf of his said majesty give the court here to understand and be informed, that certain merchants, whose names are as yet to the said attorney general unknown, did, between the first day of July, in the year of Our Lord 1785, and the day of exhibiting this information, import or cause to be imported, from parts beyond the seas, into Great Britain, to wit, to Ratcliff, in the county of Middlesex, within the port of London, in a certain ship or vessel, or certain ships or vessels, to the said attorney general likewise unknown, by way of merchandize, three hundred and ninety pounds weight of tea, of the value of one hundred and ninety-five pounds of lawful money of Great Britain, of their

own proper goods and merchandizes, the said goods being at the time of the importation thereof liable to the payment of customs and other duties to his said majesty, and that the said merchants unknown did afterwards, within the time aforesaid, at Ratcliff aforesaid, in the said county of Middlesex, within the port of London aforesaid, unship to be laid on land the said goods and merchandizes, and every part thereof, out of the said ship or vessel, or ships or vessels before the customs and other duties due to his said majesty for the same goods were first paid or secured, contrary to the form of the statute in that behalf made and provided, by reason whereof the said goods became and are forfeited, and being so forfeited, one John Draper, at the time of the unshipping of the said goods and merchandizes was assisting or otherwise concerned in unshipping thereof out of the said ship or vessel, or ships or vessels, to wit, at Ratcliff aforesaid, in the county aforesaid, he the said John Draper at the time of the unshipping of the said goods and merchandizes well knowing that the said goods and merchandizes and every part thereof were imported into Great Britain, and unshipped out of the said ship or vessel, or certain ships or vessels, with an intent to be laid on land, the customs and the duties due to his said majesty for the same goods not being first paid or secured, contrary to the form of the statute in that case made and provided, whereby the said John Draper hath forfeited the sum of five hundred and eighty five pounds, the treble value of the said goods; and the said attorney general, who prosecuteth as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that certain merchants, whose names are as yet to the said attorney general unknown, did between the first day of July, in the year of Our Lord 1785, and the day of exhibiting of this information, import or cause to be imported from parts beyond the seas, into Great Britain, to wit, to Ratcliff, in the county of Middlesex, within the port of London, in a certain ship or vessel, or certain ships or vessels to the said attorney general likewise unknown, by way of merchandise, three hundred and ninety pounds weight of other tea, of the value of one hundred and ninety-five pounds of lawful money of their own proper goods and merchandizes, the said goods being at the time of the importation thereof liable to the payment of customs and other duties to his said majesty; and that the said merchants unknown did afterwards, to wit, within the time aforesaid, at R. aforesaid, in the said county of M. within the port of London aforesaid, unship, to be laid on land, the said goods and merchandizes and every part thereof, out of the said ship or vessel, or ships or vessels, before the customs and other duties due to his said majesty for the same goods were first paid or secured, contrary to the form of the statute in that case made and provided, by reason whereof the said goods became and are forfeited, and being so forfeited the same goods and every

INFORMATION BY THE ATTORNEY GENERAL

part thereof afterwards, to wit, within the time aforesaid, at Ratcliff, in the said county of Middlesex, within the port of L. aforesaid, come to the hands and possession of the said John Draper, he the said J. Draper at the time when the said goods and merchandizes so came to his possession well knowing that the said goods and merchandizes, and every part thereof, were imported into Great Britain, and unshipped to be laid on land as aforesaid, the customs and duties due to his said majesty for the same goods not being first paid or secured, contrary to the form of the statute in that case made and provided, whereby the said John Draper hath forfeited other five hundred and eighty-five pounds, the treble value of the said goods: And the said attorney general, who prosecuteth as aforesaid, doth on the behalf of his said majesty further give the court here to understand and be informed, that certain merchants, whose names are as yet to the said attorney general unknown, did, between the first day of July, in the year of Our Lord 1785, and the day of exhibiting of this information, import or cause to be imported from parts beyond the seas into Great Britain, to wit, to Ratcliff, in the county of Middlesex, within the port of London, in a certain ship or vessel, or certain ships or vessels to the said attorney general likewise unknown, by way of merchandize, three hundred and ninety pounds weight of tea, of the value of one hundred and ninety-five pounds, the said goods being at the time of the importation thereof liable to the payment of customs and other duties to his said majesty; and that the said merchants unknown did afterwards, to wit, within the time aforesaid, at Ratcliff aforesaid, in the said county of Middlesex, within the port of London, unship, to be laid on land, the said goods and merchandizes, and every part thereof, and did run on land within Great Britain the said tea, before the duties of customs of excise due to his said majesty for the same were first paid or secured, contrary to the form of the statute in that behalf made and provided; by reason whereof the said goods became and are forfeited, and being so forfeited, the said John Draper afterwards, to wit, within the times aforesaid, at Ratcliff aforesaid, in the said county of Middlesex, within the port of London aforesaid, did knowingly harbour, keep, and conceal, and did knowingly, permit and suffer to be harboured, kept, and concealed the said goods, and every part thereof, he the said J. D. at the time when he so harboured, kept, and concealed, and so permitted and suffered to be harboured, kept, and concealed the said goods, well knowing that the said goods and every part thereof were run goods, contrary to the form of the statute in that case made and provided, whereby and by virtue of the said statute the said John Draper hath forfeited other five hundred and eighty-five pounds, the treble value of the said goods: Wherefore his said majesty's attorney general, on the behalf of his said majesty prayeth the consideration of his court in the premises, and that
the

the said several sums of money so forfeited by the said John Draper may be adjudged to his said majesty, and that the said John Draper may appear here in court to answer concerning the offences aforesaid, and concerning the said several sums of money.

R. P. ARDEN.

EXCISE.

Trinity Term, 30. & 31. Geo. II.

CORNWALL. Be it remembered that Charles Pratt, Information of
 esquire, attorney general of our present sovereign lord the king, the attorney ge-
 who for our said present sovereign lord the king in this behalf, neral against se-
 prosecuteth, in his proper person cometh here into the court of veral persons for
 our said present sovereign lord the king, before the king him- obstructing an
 self, at Westminster, on Wednesday next after three weeks from excise officer in
 the day of the Holy Trinity, in this same term, and for our said the discharge of
 present sovereign lord the king giveth the court here to under- his duty.
 stand and be informed, that Walter Waters, late of the parish
 of Saint Agnes, in the county of Cornwall, taylor, William
 Daniel, late of the same place, tinner, Walter Staple, late of
 the same place, tinner, William Paul, late of the same place,
 taylor, Mark James, late of the same place, tinner, and William
 Benallack, late of the same place, tinner, being persons of wicked
 minds, and of unruly and turbulent tempers and dispositions,
 upon the twenty-fifth day of June, in the thirty-first year of
 the reign of our said present sovereign lord George the Second,
 by the grace of God of Great Britain, France, and Ireland, king,
 defender of the faith, &c. with force and arms, at the parish of
 Saint Agnes aforesaid, in the county of Cornwall aforesaid, in
 and upon Barnard Widger, being then and there one of the
 officers of excise of our said present sovereign lord the king,
 duly constituted and appointed, and being then and there in
 the due execution of his said office, and being also then and
 there in the peace of God and of our said present sovereign lord
 the king, did unlawfully and violently make an assault and affray,
 and him the said plaintiff they the said defendants did then and
 there, with force and arms, unlawfully and violently beat, wound,
 and treat so ill that his life was greatly despaired of; and also
 that they the said defendants did then and there seize upon and
 by force and violence take from him the said plaintiff two rules
 or instruments used in gauging, and with the said two rules or
 instruments they the said defendants did then and there, with
 force and arms, give to the said plaintiff several grievous and
 dangerous blows and strokes, by reason and means of which said
 blows

blows and strokes the head of him the said plaintiff was then and there greatly bruised and hurt, and the said rules were thereby then and there broke in pieces, spoiled, and rendered entirely useless; and also that they the said defendants him the said plaintiff did then and there, with great force and violence, cast and throw down to the ground, and him the said plaintiff being so thrown down to the ground as aforesaid, they the said defendants did then and there, in a most barbarous, cruel, and inhuman manner kick and beat him the said plaintiff in and upon the legs, head, breast, and divers other parts of the body of him the said plaintiff, by the force and violence of which said kicking and beating the legs, head, face, breasts, sides, and other parts of the body of him the said plaintiff were then and there greatly bruised and hurt, and were thereby made very bloody, and afterwards thereby became black, blue, and of a livid colour, and also by reason and means of the kicking and beating aforesaid, he the said plaintiff was then and there deprived of his senses, and for a long time afterwards, to wit, for the space of two hours then next following and upwards, he the said plaintiff remained and continued entirely senseless, and the next morning he voided and brought up a large quantity of blood at the mouth of him the said plaintiff, occasioned by the kicking and beating aforesaid, and also that he the said plaintiff for a long time afterwards, to wit, for the space of ten days then next following and upwards, was rendered entirely incapable of transacting his business, or performing the duty of his said office; and also that they the said defendants him the said plaintiff being then such officer as aforesaid, and being also then and there in the due execution of his said office as aforesaid, did then and there, with force and arms, unlawfully and violently hinder, obstruct, resist, oppose, molest, and abuse, and other mischiefs upon him the said plaintiff they the said defendants did then and there, with force and arms, unlawfully and violently bring, to the great damage of him the said plaintiff, in contempt of our said present sovereign lord the king and his laws, in diminution of the revenue of the excise of our said present sovereign lord the king, to the evil and pernicious example of all others in the like case offending, and also against the peace of our said present sovereign lord the king, his crown and dignity: And the said attorney general of our said present sovereign lord the king, for our said present sovereign lord the king giveth the court here to understand and be informed, that they the said defendants afterwards, that is to say, upon the said twenty-fifth day of June, in the said thirty-first year of the reign of our said present sovereign lord the king, with force and arms, at the parish of Saint Agnes aforesaid, in the county of Cornwall aforesaid, in and upon him the said plaintiff, being then and there one of the officers of the excise of our said present sovereign lord the king, duly constituted and appointed as aforesaid, and being then and there

there in the peace of God and our said present sovereign lord the king, and being also then and there in the due execution of his said office, did unlawfully and violently make an assault and affray, and him the said plaintiff they the said defendants did then and there, with force and arms, unlawfully and violently beat, wound, and treat so ill that his life was greatly despaired of, and also him the said plaintiff, being then and there in the due execution of his said office as last aforesaid, they the said defendants did then and there, with force and arms, unlawfully and violently hinder, obstruct, resist, oppose, molest, and abuse, and other mischiefs upon him the said plaintiff they the said defendants did then and there, with force and arms, unlawfully and violently bring, to the great damage of him the said plaintiff, in contempt of our said present sovereign lord the king, to the evil and pernicious example of all others in the like case offending, and against the peace of our said present sovereign lord the king, his crown and dignity: And the said attorney general of our said present sovereign lord the king, for our said present, sovereign lord the king giveth the court here further to understand and be informed, that they the said defendants afterwards, that is to say, upon the said twenty-fifth day of June, in the said thirty first year of the reign of our said present sovereign lord the king, with force and arms, at the parish of Saint Agnes aforesaid, in the county of Cornwall aforesaid, in and upon him the said plaintiff, being then and there *one of the officers of the excise of our said present sovereign lord the king, duty constituted and appointed as aforesaid, and being then and there in the peace of God and of our said present sovereign lord the king, and being also then and there in the due execution of his said office,* did unlawfully and violently make an assault and affray, and him the said plaintiff they the said defendants did then and there, with force and arms, unlawfully and violently beat, wound, and treat so ill that his life was greatly despaired of, and other mischiefs upon him the said plaintiff they the said defendants did then and there, with force and arms, unlawfully and violently bring, to the great damage of the said plaintiff, in contempt of our said present sovereign lord the king and his laws, to the evil and pernicious example of all others in the like case offending, and also against the peace of our said present sovereign lord the king, his crown and dignity: (4th Count, for a common assault only, being like the 3d Count in every respect, except the words in Italics are omitted :) Whereupon the said attorney general of our said present sovereign lord the king, for our said present sovereign lord the king prayeth the consideration of the court here in the premises, and that due process of law may be awarded against them the said defendants in this behalf to make them answer to our said present sovereign lord the king, touching and concerning the premises aforesaid.

Against a common brewer for having a pipe under ground, by which beer, ale, and worts might be conveyed from one tun to another.

8. & 9. Will. 3.
c. 19. § 4.

2d Count, for having a private pipe by which, &c.

8. & 9. Will. 3.
c. 19. § 4.

9th Count, for mixing strong beer with small, after the gauge of the strong taken.

2.G.3.c.14. § 2.

10th Count, for receiving into his custody more than ten pounds of molasses.

(a) THAT one Richard Hare, before and at the time of committing of the offences hereinafter mentioned, was a common brewer, to wit, at Limehouse, in the said county of Middlesex, and being such common brewer, he the said Richard Hare, after the twenty-eighth day of April 1697, and before the day of exhibiting this information, to wit, on the fourth day of February, in the year of Our Lord 1786, at Limehouse aforesaid, in the said county, had and kept a certain pipe under ground, in and about a certain brewhouse of the said Richard Hare, by which beer, ale, and worts might be conveyed from one tun to another, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said statute the said Richard Hare hath for his said offence forfeited the sum of one hundred pounds: And the said attorney general who prosecutes aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Richard Hare, so being such common brewer as aforesaid, after the said twenty-eighth day of April 1697, and before the day of exhibiting this information, to wit, on the said fourth day of February, in the said year of Our Lord 1786, at Limehouse aforesaid, in the said county, had and kept a certain private pipe in and about a certain brewhouse of the said Richard Hare there, by which beer, ale, and worts might be conveyed from one tun to another, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said statute the said Richard Hare hath for his said last-mentioned offence forfeited the sum of one hundred pounds. (3d, for having a pipe under ground for conveying liquors from one vessel to another; 4th same, for conveying from one brewing vessel to another; 5th, for having a pipe under ground for conveying liquors from a tun in defendant's brewhouse into a certain place, to wit, a certain cellar of him the said defendant, near to his said brewhouse; 6th same, but for a "private pipe;" 7th and 8th same as 5th and 6th, but for conveying from a "brewing vessel.") And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Richard Hare, so being such common brewer as aforesaid, between the first day of January 1784 and the day of exhibiting this information, to wit, on the first day of February, in the year of Our Lord 1786, at Limehouse aforesaid, in the said county, did mix, and cause and suffer to be mixed, in a certain vessel there, a large quantity, to wit, five hundred barrels of strong beer with a certain quantity, to wit, five hundred barrels of small beer, after the gauge of such strong beer had been taken by an officer of excise, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said Richard Hare hath for his said last-mentioned offence forfeited and lost the further sum of fifty pounds: And the said attorney general, who prosecutes as aforesaid,

(a) For the beginning of all these kind of Informations, see ante.

said

said, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Richard Hare, so being such common brewer as aforesaid, after the tenth day of May 1699, and before the exhibiting of this information, to wit, on the first day of February 1786, at Limehouse aforesaid, in the said county, did receive and take into his custody and possession a large quantity of molasses (exceeding ten pounds), to wit, five hundred pounds weight of molasses, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said Richard Hare hath forfeited and lost the further sum of one hundred pounds : And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Richard Hare being such common brewer as aforesaid, after the eleventh day of May 1699, and before the exhibiting this information, to wit, on the first day of February 1786, at Limehouse aforesaid, in the said county, did make use of a large quantity, to wit, one hundred pounds weight of molasses in the making and working a large quantity, to wit, one thousand barrels of beer, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute, the said Richard Hare hath forfeited and lost for his said last-mentioned offence the further sum of one hundred pounds : And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Richard Hare being such common brewer as aforesaid, between the first day of January 1784, and the day of exhibiting this information, to wit, on the first day of February 1786, at Limehouse aforesaid, in the said county, did make use of a certain liquor and syrup called *essentia bina*, to wit, one hundred pounds weight of *essentia bina*, in the brewing and making of a large quantity, to wit, one thousand barrels of beer, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said Richard Hare hath for his said last-mentioned offence forfeited and lost the further sum of twenty pounds : And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Richard Hare, between the first day of January 1784, and the day of exhibiting this information, was a common brewer, to wit, at Limehouse aforesaid, in the said county, and being such common brewer, he the said Richard Hare did brew divers large quantities of beer, to wit, one thousand barrels of strong beer, which by several statutes in such case made and provided respectively were and are chargeable and charged with several and respective rates and duties due and payable to his said majesty for and in respect of such beer so made, amounting in the whole to the sum of four hundred pounds of lawful money of Great Britain, and that the said Richard Hare at any time or

10. & 11. Will. 3.
c. 21. s. 34.

11th Count, for
using molasses
in making and
working beer.

10. & 11. Will. 3.
c. 21. s. 34.

12th Count, for
using *essentia bina*
in the brewing
and making
beer.

12. Ann. Stat. 2.
c. 2. s. 32.

13th Count, for
double duties on
beer incurred by
not paying the
single in time.

times within one week after, he, according to the form of the statute in such case made and provided, ought to have made an entry or entries of the said beer, the said rates and duties so by and from him the said Richard Hare due as aforesaid, or any part thereof, to his said Majesty, or for his use, hath not paid or caused to be paid, as by the statutes in such case made and provided he ought to have paid; but the said rates and duties, and every part thereof to our said sovereign lord the king, or to or for his use, to pay hath wholly omitted and neglected, contrary to the form of the statutes in such case made and provided, whereby the said Richard Hare hath forfeited double the value of the said rates and duties so neglected to be paid as aforesaid, amounting to eight hundred pounds.

Geo. Wood.

12. Car. 2. c. 24.
c. 31.

Against common brewers, who had brewed a guile of beer, and declared the length, for making an increase of the beer, over and above the quantity declared.

THAT Thomas Young and Noah Young, being common brewers of beer and ale, after the tenth day of April 1697, and before the day of exhibiting this information, to wit, on the thirtieth day of August, in the year of Our Lord 1787, and whilst they were such common brewers of beer and ale as aforesaid, to wit, at Westminster, in the county of Middlesex, did brew and make a guile of strong beer, and did then and there, according to the form of the statute in such case made and provided, declare to John Wreford, gauger of excise, duly appointed to gauge and take an account of the same guile, and that after the said declaration so made as aforesaid, that is to say, on the thirty-first day of August, in the said year of Our Lord 1787, at Westminster aforesaid, in the said county, the said Thomas Young and Noah Young, and their servants, did make an increase of the strong beer so declared as aforesaid, over and above the quantity so declared as aforesaid, that is to say, did then and there make an increase of four barrels of strong beer, over and above the quantity so declared as aforesaid, contrary to the form of statute in such case made and provided, whereby the said Thomas Young and Noah Young have for their said offence forfeited the sum of five pounds per barrel, so increased as aforesaid, amounting in the whole to the sum of twenty pounds: And the said attorney general, who prosecutes aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Thomas Young and Noah Young, being such common brewers of beer and ale as aforesaid, after the said tenth day of April 1697, and before the day of exhibiting this information, to wit, on the said thirtieth day of August, in the said year of Our Lord 1787, to wit, at Westminster aforesaid, in the said county, did brew and make another guile of beer, and did then and there (according to the form of the statute in such case made and provided), declare to the said John Wreford, a gauger of excise, duly appointed to gauge and take an account of the said last-mentioned guile, how much strong beer they intended

8 & 9. Will. 3.
c. 19. s. 2.

ad Count, having brewed a guile and declared the length, for laying off strong beer over and above the quantity declared.

tended to make of that guile, and that after the said declaration so made as last aforesaid, that is to say, on the said thirty-first day of August, in the said year of Our Lord 1787, to wit, at Westminster aforesaid, in the said county, the said John Wrenford, so being such gauger as aforesaid, did find a certain quantity of strong beer of the said last-mentioned guile laid off, over and above the quantity so declared as last aforesaid, contrary to the form of the statute in that case made and provided, whereby 8. & 9. Will. 3. the said Thomas Young and Noah Young have for their said c. 19. s. 2. last-mentioned offence forfeited the sum of five pounds for each barrel so laid off as aforesaid, amounting in the whole to the sum of twenty pounds : And the said attorney general, who prosecutes 3d Count, for as aforesaid, doth on behalf of his said majesty further give removing part of a guile of strong beer before length declared. the court here to understand and be informed, that the said Thomas Young and Noah Young being such common brewers of beer and ale as aforesaid, after the said tenth day of April 1697, and before the day of the exhibiting this information, to wit, on the said thirtieth day of August, in the said year of Our Lord 1787, to wit, at Westminster aforesaid, in the said county, did brew and make another guile of strong beer, consisting of divers, to wit, fifty barrels of strong beer, and did cleanse and remove out of their tuns, and other vessels and utensils containing the said last-mentioned guile, a certain quantity of the same guile, to wit, four barrels of the same guile, before they the said Thomas Young and Noah Young, or either of them, had declared to the gauger or gaugers appointed to gauge and take an account of the same how much strong beer they intended to make of such guile, and refused to make such declaration before they cleansed the said four barrels as aforesaid, contrary to the form of the statutes in that case made and provided ; 5.G.3.c.43.s.26. whereby the said Thomas Young and Noah Young have forfeited the sum of twenty shillings for every barrel of strong beer contained in the said guile last mentioned, amounting in the whole to other fifty pounds.

GEO. WOOD.

THAT one Thomas Young, defendant at the time of Defendant and committing the offences hereinafter mentioned were common another, common brewers, brewers of beer and ale, and persons liable to the payment of who had made certain duties of excise imposed on such beer and ale under the a guile of strong management of the commissioners of excise, to wit, at Westminster, in the said county of Middlesex, and being such common brewers of beer and ale, and being so liable to the payment of officers had found a quantity laid off, such duties of excise imposed on such beer and ale after the tenth day of April 1697, and before the day of exhibiting this information, whereby above the declaration, whereby a penalty was incurred, and it was the duty of the officers to acquaint the commissioners of excise therewith, to the end that legal prosecution might be commenced for the same ; but defendant, in order to persuade the officers not to acquaint the commissioners therewith, offered them a bribe.

mation,

2. & 9. Will. 3.
c. 19. l. 2.

11. G. 1. c. 30.
l. 40.

mation, to wit, on the thirtieth day of August, in the year of Our Lord 1787, at Westminster aforesaid, in the said county, did brew and make a guile of strong beer, and did then and there (according to the form of the statute in such case made and provided) declare to John Wreford, the gauger of excise, duly appointed to gauge and take an account of the same guile, how much strong beer they intended to make of that guile, and that after the said declaration so made as aforesaid, that is to say, on the thirty-first day of August, in the said year of Our Lord 1787, at Westminster, in the county of Middlesex, the said John Wreford and one Robert Huddleston, they the said John Wreford and Robert Huddleston then and there being gaugers of excise, and officers of and for the duties due and payable for and in respect of such beer, did find a certain quantity of strong beer, to wit, four barrels of strong beer of the said guile, laid off over and above the quantity so declared, contrary to the statute in that case made and provided, whereby and by force of the said statute the said Thomas Young and defendant had for their said offence forfeited the sum of five pounds for each barrel so laid off as aforesaid, amounting in the whole to the sum of twenty pounds; and thereupon it was then and there the business and duty of the said John Wreford and Robert Huddleston, as such officers as aforesaid, to acquaint the commissioners of excise with the said offence, to the end that legal prosecutions might be commenced for the same; yet the said defendant, well knowing the premises, but being a person of a wicked and corrupt mind, and having no regard for the laws and statutes of this realm, not fearing the penalties therein contained, but unlawfully, wickedly, and corruptly devising, contriving, and intending to defraud our said lord the king of his duties of excise in beer and ale, after the twenty-fourth day of June 1725, and before the day of exhibiting this information, to wit, on the thirty-first day of August, in the said year of Our Lord 1787, at Westminster aforesaid, in the said county, in order to corrupt, persuade, and prevail upon the said John Wreford and Robert Huddleston, so being such officers as aforesaid, to neglect and omit to acquaint the commissioners of excise with the said offence, did offer to give to the said John Wreford and Robert Huddleston, so being such officers as aforesaid, a certain bribe, gratuity, and reward, to wit, the sum of five or ten guineas (a) to each of them the said John Wreford and Robert Huddleston, so being such officers as aforesaid, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said defendant hath for his said offence forfeited and lost the sum of five hundred pounds: And

(a) The chief baron thought this allegation too indefinite: he said the offence should be stated five guineas in

one Count, and ten guineas in another.

the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Thomas Young and defendant, so being such common brewers of beer and ale, &c. (set out the declaration as in the 1st Count), whereby and by force of the said last-mentioned statute the said Thomas Young and defendant had for their said last-mentioned offence forfeited the sum of five pounds for each barrel so laid off as last aforesaid, amounting to the sum of twenty pounds; yet the said defendant, well knowing the premises last aforesaid, but being a person of wicked and corrupt mind, and having no regard for the laws and statutes of this realm, nor fearing the penalties and forfeitures therein contained, but unlawfully, wickedly, and corruptly devising, contriving, and intending to defraud our said lord the king of his duties of excise on beer and ale, afterwards, to wit, on the said thirty-first day of August, in the said year of Our Lord 1787, at Westminster aforesaid, in the said county, in order to corrupt, persuade, and prevail upon the said John Wreford and Robert Huddleston, so being such officers as aforesaid, to connive at and conceal the said fraud committed by the said Thomas Young and defendant, in laying off the said four barrels of strong beer of the said last-mentioned guile, over and above the said quantity so declared as last aforesaid, did offer to give to the said John Wreford and Robert Huddleston, so being such officers as aforesaid, a certain other bribe, gratuity, and reward, to wit, the sum of five or ten guineas to each of them the said John Wreford and Robert Huddleston, so being such officers as aforesaid, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said defendant hath for his said last-mentioned offence forfeited and lost the further sum of five hundred pounds: And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Thomas Young and defendant, &c. (as in the 2d Count); yet the said defendant, well knowing the premises last aforesaid, but being a person of a wicked mind, and having no regard for the laws and statutes of this realm, nor for the penalties and for the forfeitures therein contained, but unlawfully, wickedly, and corruptly devising, contriving, and intending to defraud our said lord the king of his duties of excise on beer and ale, afterwards, to wit, on the said thirty-first day of August, in the said year of Our Lord 1787, at Westminster aforesaid, in the said county, in order to corrupt, persuade, and prevail upon the said John Wreford and Robert Huddleston, so being such officers as aforesaid, not to discover the said fraud so committed by the said Thomas Young and defendant in laying off the said four barrels of strong beer of the said last-mentioned guile, over and above the quantity so declared as last aforesaid by the said Thomas Young and defendant as aforesaid, did offer to give to the said John Wreford and

ad Count, for offering to bribe an officer to connive at defendant and another having laid off a quantity of strong beer over and above the declaration.

11. G. 1. c. 30. s. 40.

3d Count, for offering a bribe to officers not to discover a fraud committed by defendant and another.

11. G. 1. c. 30
f. 40.

4th General
Count, not stat-
ing the sum of-
fered.

and Robert Huddleston, so being such officers as aforesaid, contrary to the form of the statute in that case made and provided; whereby and by force of the said last-mentioned statute the said defendant hath for his said last-mentioned offence forfeited and lost the further sum of five hundred pounds: And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Thomas Young and defendant, so being such common brewers of beer and ale, and persons liable to the payment of certain duties of excise imposed on such beer and ale, he the said defendant being a person of a wicked and corrupt mind, and having no regard to the laws and statutes of this realm, nor of the penalties therein contained, but unlawfully, wickedly, and corruptly devising, contriving, and intending to defraud our said lord the king of his duties of excise on beer and ale, after the said twenty-fourth day of June 1725, and before the day of exhibiting this information, to wit, on the said thirty-first day of August, in the said year of Our Lord 1787, at Westminster aforesaid, in the said county, in order to corrupt, persuade, and prevail upon the said John Wreford and Robert Huddleston, so being such officers as aforesaid, to connive at and conceal a fraud they the said Thomas Young and defendant had committed, relating to the said duties, that is to say, in laving off four barrels of strong beer, of a guile of strong beer by them the said Thomas Young and defendant brewed over and above the quantity declared by the said Thomas Young and defendant, did offer to give to the said John Wreford and Robert Huddleston, so being such officers as aforesaid, a certain other bribe, gratuity, and reward, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said defendant hath for his said last-mentioned offence forfeited and lost the further sum of five hundred pounds.

11. G. 1. c. 30.
f. 40.

Against a
chandler and
maker of can-
dles, not being
a compounder,
for making use
of a room for
keeping candles
without entry.

THAT one John Waites, between the first day of January 1785 and the day of exhibiting this information, was a chandler and maker of candles, and not a compounder for the duties on candles by him made or to be made, to wit, at Westminster, in the said county of Middlesex; and the said John Waites, so being such chandler and maker of candles, and not a compounder for the duties on candles as aforesaid, between the times aforesaid, to wit, on the first day of August, in the year of Our Lord 1785, at Westminster aforesaid, in the said county, did make use of a certain room for the keeping of candles, without first making or having made, with the proper officer appointed for that purpose, at the next office of excise within the limits whereof such room was situate, a true and particular entry in writing of the said room, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said statute the said John Waites hath for his said offence forfeited and lost the sum

11. G. 1. c. 30.
f. 23.

of one hundred pounds. (2d same, but for an unentered place for keeping candles. 3d and 4th, room and place for the keeping of tallow and other materials proper to be made into candles. 7th and 8th, room and place for the keeping of utensils, and for and in the making of candles.)

GEO. WOOD.

THAT one George Linsel, being one of the officers of his majesty's duties upon soap and candles, having cause to suspect that candles were lodged and concealed in some place or places in or about the house of John Grindley, situate in Great Earl-street, in the parish of Saint Giles's in the Fields, in the county of Middlesex, with intent to defraud his majesty of his duties thereon, did go before William Hyde, esquire, one of his majesty's justices assigned to keep the peace of our said lord the king in and for the said county of Middlesex, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, and did then and there make affidavit upon the holy Gospel of God before the said justice, and in such affidavit did upon his oath declare the ground of his suspicion as to the said lodging and concealing of the said candles, according to the statute in that case made and provided; and thereupon the said William Hyde, so being such justice as aforesaid, on the twenty-third day of December, in the year of Our Lord 1786, to-wit, at Westminster aforesaid, in the said county of Middlesex, did, according to the form of the statute in that case made and provided, make and grant his warrant in writing, under his hand and seal, reciting that the said George Linsel, &c. (recite the warrant); by virtue of which said warrant the said George Linsel, on the said twenty-third day of December, in the said year of Our Lord 1786, at and in the presence of one Joseph Thompson, he the said Joseph Thompson then and there being a constable, did go to the house of the said John Grimley, in the said warrant named, and did enter into the same for the purpose in the said warrant mentioned, and the said George Linsel did then and there seize and carry away a large quantity, to-wit, six hundred and ninety-nine pounds weight of candles, for that the said candles were then and there found by the said George Linsel lodged in certain places in and about the house of the said John Grimley, in the said warrant mentioned, with intent to defraud his said majesty of his duties chargeable thereon, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said candles became forfeited: And also for that the said candles, the same being candles chargeable with duties to our said lord the king; by the statutes in that case made and provided, were then and there found put and deposited in certain private places, to-wit, in a certain place of and belonging to one John Grimley, and by him made use of for the keeping of candles, he the said John Grimley then and there being

For the condemnation of candles seized under a search warrant, for that the same were found lodged with intent to defraud the duties.

5 G. 3 c. 43 s. 22.

2d Count, for being found put and deposited in a place belonging to a maker of candles, without entry.

being a maker of candles, and for which said place no entry or entries had been made, or notice given, as by the statutes in that case made and provided is required, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said candles became forfeited:

8. Ann. c. 9. f. 77.

3d Count, for condemnation of cotton yarns, for the same being a material for making candles was found in certain places preparing for the making of candles privately.

And the said Robert Aslin, so being such officer as aforesaid, as well for his said majesty as himself, further gives the court here to understand and be informed, that the said George Linsel, after the first day of June 1765, and before the day of exhibiting this information, to wit, on the said twenty-third day of December, in the said year of Our Lord 1786, at Westminster aforesaid, in the said county, did, in pursuance of the statutes in that case made and provided, seize and carry away a large quantity, to wit, one hundred and seventy pounds weight of cotton yarn, for that the said cotton yarn, the same being a material for the making of candles, was on the said twenty-third day of December, in the the said year of Our Lord 1786, found by the said George Linsel in certain places there, to wit, at Westminster aforesaid, in the said county, preparing for the making of candles privately, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said cotton yarn became forfeited: And also for that the said cotton yarn, the

5. G. 3. c. 43. f. 22.

4th Count, for being deposited in a private place used by a maker of candles.

same being a material for making candles, was then and there found put and deposited in certain private places, to wit, in a certain place of and belonging to the said Grimley, and by him made use of for the keeping of candles, he the said John Grimley then and there being a maker of candles, and for which said last-mentioned place no entry or entries had been made, or notice given, as by the statute in that case made and provided is required, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said cotton yarn became forfeited: And the said Robert Aslin, so being

8. Ann. c. 9. f. 17.

5th Count, for condemnation of pewter moulds found deposited in a private place, &c.

such officer as aforesaid, as well for his said majesty as for himself further gives the court here to understand and be informed, that the said George Linsel, between the first day of January 1786 and the day of exhibiting this information, to wit, on the said twenty-third day of December, in the said year of Our Lord 1786, at Westminster aforesaid, in the said county, did in pursuance of the statutes in that case made and provided, seize divers, to wit, two hundred and forty-seven pewter vessels called moulds, for that the same were then and there found put and deposited in certain places, to wit, in a certain place of and belonging to the said John Grimley, and by him made use of for the making and keeping of candles, he the said John Grimley then there being a maker of candles, and for which said last-mentioned place or vessels no entry or entries had been made or notice given, as by the statute in that case made and provided is required, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said vessels called moulds became forfeited.

8. Ann. c. 9. f. 17.

GEO. WOOD.
THAT

THAT Richard Bolton for a long time, to wit, for the space of twelve months last past hath been and still is a chandler and maker of candles, chargeable and charged with certain rates and duties payable to his majesty. as such chandler and maker of candles was a trade subject to the survey of his majesty's officers of excise, and required by the laws concerning the duties under the management of the commissioners to keep sufficient and just scales and weights for weighing of such candles which he should make, and for which the duties chargeable thereon are payable by weight: And that the said Richard Bolton so being such chandler and maker of candles as aforesaid, after the twenty-fourth day of June 1770, and before the day of exhibiting this information, to wit, on the twenty-sixth day of March, in the year of Our Lord 1785, at Westminster aforesaid, in the said county, in the weighing of his stock of candles by him made, did make use of, and cause and procure, and suffer to be used false, unjust, and insufficient weights to the intent to defraud his majesty of the duties by the said laws granted and payable to his said majesty, contrary to the form of the statute in that case made, and provided, whereby and by force of the said statute the said Richard Bolton hath for his said offence forfeited the sum of one hundred pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty give the court here to understand and be informed, that the said Richard Bolton so being such chandler, and maker of candles, and trader as aforesaid, and as such required by the said laws and statutes in that case made and provided to keep sufficient and just scales and weights for weighing of such candles which he should make, and for which the duties chargeable thereon are payable by weight after the twenty-fourth day of June 1770, and before the day of exhibiting this information, to wit, on the said twenty-sixth day of March 1785 aforesaid, in the said county, in the weighing of his stock of candles by him made, did make use of, and did cause and procure, and suffer to be used false and unjust and insufficient scales, to the intent to defraud his majesty of the duties by the said laws granted and payable to his said majesty, contrary to the statute in that case made and provided, whereby and by force of the said statute the said Richard Bolton hath for his said last-mentioned offence forfeited the further sum of one hundred pounds.

G. Wood.

THAT defendants after the first day of August 1784, and before the day of exhibiting this information, to wit, at Westminster aforesaid, in the said county of Middlesex, were and now are chandlers and makers of candles chargeable with the duties given and granted to his majesty by the statutes in that case made and provided; and they the said defendants so being such chandlers and makers of candles as aforesaid, within the time aforesaid, to wit, on the eighth day of April 1786, at Westminster aforesaid,

For using, in weighing candles, with false, unjust and insufficient weights to the intent to defraud his majesty of his duties on candles.

8 Ann, c. 9. s. 12.

10. G. 3. c. 44. s. 1.

2d Count, for using, in weighing candles, with false, unjust, and insufficient scales, to the intent to defraud his majesty of his duties on candles.

8 Ann, c. 9. s. 12.

10. G. 3. c. 44. s. 1.

Against chandlers and makers of candles who had declared their intention of making a course of mould candles. For selling and drawing moulds oftener than declared.

said, in the said county, did make and deliver, and cause to be made and delivered to the officers under whose survey the said defendants were, a declaration in writing of their intention to make a course or making of mould candles, and of the particular hour and time of the day or night when such course or making was intended to be begun, and of the number and size of the moulds they intended to fill and draw, and also of the number of times they intended to fill and draw the same in such making; yet the said defendants not regarding the statute in that case made and provided, to wit, on the same day and year last aforesaid, at Westminster aforesaid, did in or about such making or course by them then and there made, by virtue of and under the said declaration, fill and draw five hundred moulds for making mould candles, a greater number of times, to wit, twice more than was mentioned in the said declaration, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said statute in that case made and provided, the said defendants so being such chandlers and makers of candles as aforesaid, have for their said offence forfeited and lost the further sum of fifty pounds: And the said attorney general who prosecutes, doth on behalf of his said majesty further give the court here to understand and be informed, that the said defendants so being such chandlers and makers of candles as aforesaid, afterwards, within the time aforesaid, to wit, on the said eighth day of April, in the said year of Our Lord 1786, at Westminster aforesaid, in the said county, did make and deliver, and cause to be made and delivered to the officer under whose survey the said defendants were, a certain other declaration in writing of their intention to make a course or making of mould candles, and of the particular hour and time of the day or night when such course or making was intended to be begun, and of the number and size of the moulds they intended to fill and draw, and also the number of times they intended to fill and draw the same in such making; yet the said defendants not regarding the statute in that case made and provided, to wit, on the same day and year last aforesaid, at Westminster aforesaid, in or at such making or course by them then and there made by virtue of and under the said last-mentioned declaration, had divers, to wit, one thousand mould candles more than were mentioned in such declaration, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said defendants so being such chandlers and makers of candles as aforesaid, have for their said last mentioned offence forfeited and lost the further sum of fifty pounds (3d same as the 2d; but having "one thousand moulds" instead of "mould candles"): And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said defendants so being such chandlers and makers of candles as aforesaid, afterwards, within the time aforesaid, to wit, on the said eighth day of April, in the said year of Our Lord 1786 aforesaid,

24. G. 3. c. 11. f. 9.

2d Count, for having at a making of mould candles, more mould candles than was declared.

24. G. 3. c. 11. f. 9.

4th Count, for beginning to work upon and make a course of mould candles without a declaration.

said, at Westminster aforesaid, in the said county, did begin to work upon and make a course or making of mould candles, without first making and delivering, or causing to be made and delivered to the officer or officers under whose survey the said defendants so being such chandlers and makers of candles then were, a declaration in writing of the said defendants' intention to make such course or making of candles, and of the particular hour or time of the day or night when such course or making was intended to be begun, and of the true number and size of the moulds they intended to fill and draw the same in such making or course, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said defendants so being such chandlers and makers of candles as aforesaid, have for their said last mentioned offence forfeited and lost the further sum of fifty pounds. ^{24. G. 3. c. 11. f. 9.}

G. Wood.

THAT Leonard Greenbank, one of the officers of and for his majesty's duties of excise, and for the duties upon soap and candles after the first day of June 1765, and before the day of exhibiting this information, to wit, on the eleventh day of October, in the year of Our Lord 1785, at Westminster, in the said county of Middlesex, did find one James Moreton privately making candles with an intent to defraud his majesty of his duty thereon, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said James Moreton, he the said James Moreton not being able to make it appear that the duty has been paid for the same, hath forfeited the sum of one hundred pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said L. Greenbank so being such officer as aforesaid, between the times aforesaid, to wit, on the said eleventh day of October 1785 aforesaid, at Westminster aforesaid, did find a large quantity, to wit, one thousand two hundred and fifty-three pounds weight of candles in the possession of the said James Moreton, lodged in a certain room in the possession of the said James Moreton, with an intent to defraud his majesty of his duty thereon, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said James Moreton, he the said James Moreton not being able to make it appear that the duty has been paid for the same, hath forfeited and lost the further sum of one hundred pounds. ^{For finding a person privately making candles with an intent to defraud his majesty of the duty thereon. 5. G. 3. c. 43. f. 22.}

G. Wood.

THAT he the said John Saunders, being such officer of excise as aforesaid, between the first day of February last past, and the same being a material for making candles was put and deposited in a private place used by a maker of candles without entry or notice. ^{For the condemnation of wax: for that}

INFORMATION BY THE ATTORNEY GENERAL.

the day of exhibiting this information, to wit, on the fourth day of February, in the year of Our Lord 1785, at Westminster, in the said county of Middlesex, did in pursuance of the statute in that case made and provided, seize and arrest to the use of his said majesty and himself as forfeited, a large quantity, to wit, three thousand five hundred pounds weight of wax, for that the said wax being materials for making candles was then and there found, put, and deposited in a certain private place, to wit, in a certain room of and belonging to one Frederick Yeamans Warbrough, and then and there used by him for the keeping of wax proper to be made into candles, he the said Frederick Yeamans Warbrough then and there being a maker of candles; and for which said place no entry or entries had been made or notice given, as by the statute in that case made and provided is required, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said wax became forfeited.

8. Ann. c. 9.
f. 17.

I think there is no probability that a jury will condemn the wax in question, as the excise officer himself is of opinion no fraud was intended. There is another ground too on which I think the wax would not be condemned, which is, that the place was not a *private* place, according to the sense which has of late been put upon the word by the court of exchequer and by jurors. I should have

thought every place private for which no entry had been made according to the true sense of the act; a different construction has prevailed of late; and as former officers had access to this room, and were perfectly apprized of the use made of it, I think it will not be deemed a private place.

G. Wood.

Against a
chandler for be-
ginning to make
a course or mak-
ing of candles
without a de-
claration.

THAT for six months now last past and longer, one Margery Jenkin has been and still is a chandler and maker of candles for sale, chargeable with the duties given and granted to his majesty by the statutes in that case made and provided, that is to say, at Westminster, in the county of Middlesex; and the said Margery Jenkin so being such chandler and maker of candles for sale as aforesaid, and whilst she was such chandler and maker of candles as aforesaid, did between the first day of August 1785, and the day of exhibiting this information, to wit, on the twenty-seventh day of September, in the year last aforesaid, at Westminster aforesaid, in the said county of Middlesex, begin to work upon, dip, and make a course or making of candles, not being mould candles, without first making and delivering, or causing to be made and delivered to the officer or officers under whose survey the said Margery Jenkin so being such chandler and maker of candles for sale as aforesaid then was, a declaration in writing of the said Margery Jenkin's intention to make such course or making of candles, and of the particular hour or time of the day or night when such course or making was intended to be begun, and of the true number of sticks of which such course or making was intended to consist, and of the sizes and true number of candles intended to be made on every and each stick intended to be

be made in and at such making or course, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said statute she the said Margaret Jenkin hath for her said offence forfeited the sum of fifty pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Margery Jenkin on the first day of August now last past was, and continually from thenceforth hitherto hath been, and still is a chandler and maker of candles, to wit, at Westminster aforesaid, in the said county; and the said Margery Jenkin so being such chandler and maker of candles as last aforesaid, after the said first day of August, and before the day of exhibiting this information, to wit, on the said fifth day of November, in the year last aforesaid, to wit, at Westminster aforesaid, in the said county of Middlesex, did begin to spread cottons for a course or making of candles without first giving to the officers of the division, or place where such last-mentioned candles were intended to be made, such notice in writing of the particular time and hour when she the said Margery Jenkin so being such chandler and maker of candles as last aforesaid, intended to begin to spread cottons for such course or making of candles as by the statute in that case made and provided is required, contrary to the form of the statute in that case made and provided; by reason whereof and by force of the said last-mentioned statute she the said Margery Jenkin hath for the said last-mentioned offence forfeited the further sum of fifty pounds; And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Margery Jenkin on the first day of August now last past was, and continually from thenceforth hitherto hath been, and still is a chandler and maker of candles, to wit, at Westminster aforesaid; and the said Margery Jenkin so being such chandler and maker of candles as last aforesaid, after the said first day of August, and before the day of exhibiting this information, to wit, on the said fifth day of November, in the year last aforesaid, at Westminster aforesaid, in the said county of Middlesex, did begin to dip cottons for a course or making of candles without first giving to the officers of the division or place where such last-mentioned candles were intended to be made, such notice in writing of the hour and time when she the said Margery Jenkin so being such chandler and maker of candles as last aforesaid, intended to begin to dip such cottons for the said course or making of candles as by the statute is required, contrary to the form of the said last-mentioned statute in that case made and provided, by reason whereof and by force of the said last-mentioned statute she the said Margery Jenkin hath for the said last-mentioned offence forfeited the further sum of fifty pounds.

11. G. 3. c. 30.
f. 27.

2d Count, for
beginning to
spread cottons
for a course of
candles without
a declaration.

25. G. 3. c. 74
f. 29.

3d Count, for
beginning to dip
cottons for a
course of can-
dles without a
declaration.

25. G. 3. c. 74.
f. 29.

G. Wood.

G 8 3

THAT

Against a chandler and maker of candles for having in and at a making or course of candles, not being mould candles, more sticks than declared.

11. G. 1. c. 30.
f. 27.

THAT the said defendant so being such chandler and maker of candles for sale as aforesaid, between the said first day of August 1785, and the day of, &c. to wit, on the said fifth day of November, in the year last aforesaid, at Westminster aforesaid, in the said county, had in and at a making or course of candles (the same candles not being mould candles) more sticks, that is to say, sixteen sticks more than were mentioned in a declaration in writing of her the said Margery Jenkin's intention of making such last-mentioned course or making of candles first made and delivered, or caused to be made and delivered to the officer under whose survey the said Margery Jenkin so being such chandler and maker of candles for sale as aforesaid then was; contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said last-mentioned statute the said Margery Jenkin hath for her said last-mentioned offence forfeited and lost the further sum of fifty pounds.

G. Wood.

Against a chandler and maker of candles for fraudulently removing candles from the place of making before they had been weighed by the officer, with intent to defraud the king of his duty.

11. G. 3. c. 30.
f. 30.

THAT the said defendant being such chandler and maker of candles for sale as aforesaid, within the time aforesaid, to wit, on the said fifth day of November, in the said year of Our Lord 1785, at Westminster aforesaid, in the said county, did fraudulently remove from the place of her the said defendant's making of candles divers candles, that is to say, fifty pounds weight of candles, before they had been weighed by the surveying officer or officers of excise, with intent to deceive his majesty of and in his duties upon candles, contrary to the statute in such case made and provided, by reason whereof and by force of the said statute the said Margery Jenkin hath for her said last-mentioned offence forfeited the further sum of one hundred pounds.

G. Wood.

For fraudulent-ly hiding and concealing candles with intent to defraud the duties on candles.

11. G. 1. c. 30.
f. 30.

THAT the said defendant being such chandler and maker of candles for sale as aforesaid, he the said defendant, after the said twenty-fourth day of June 1725, and before the day of exhibiting this information, to wit, on the said twenty-fifth day of March, in the said year of Our Lord 1786 aforesaid, at Westminster aforesaid, in the said county, did fraudulently hide and conceal certain candles, that is to say, five hundred pounds weight of candles with intent to deceive his majesty of and in his duties upon candles, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said defendant hath for his said last-mentioned offence forfeited and lost the further sum of one hundred pounds.

THAT

THAT the said defendant so being such chandler and maker of candles for sale as aforesaid, he the said defendant, after the said twenty-fourth day of June 1725, and before the exhibiting this information, to wit, on the said twenty-ninth day of March 1785, at Westminster aforesaid, in the said county, did mix and mingle divers candles, that is to say, three hundred pounds weight of candles which had not been duly weighed by the proper officer or officers of excise, with others which had been weighed, contrary to the form of the statute in such case made and provided, by reason whereof and by force of the said statute the said defendant hath for his said last-mentioned offence forfeited and lost the further sum of one hundred pounds.

For mixing candles which had not been duly weighed by the proper officer of excise, with others which had been weighed.

11. G. 1. c. 30. f. 30.

MIDDLESEX, to wit. Be it remembered that John Saunders, one of the officers of his majesty's revenue of excise, who prosecutes as well for his said majesty as for himself, cometh before the barons of this exchequer the sixteenth day of April, in the year of Our Lord 1784, and as well for his said majesty as for himself, informs the court here that he the said John Saunders, so being an officer for the said duties of excise between the first day of January 1784, and the day of exhibiting this information, to wit, on the tenth day of February, in the said year of Our Lord 1784, at Westminster, in the county of Middlesex, did in pursuance of the statute in that case made and provided, seize and arrest to the use of his said majesty and himself as forfeited, a large quantity, to wit, five thousand five hundred and sixty-eight pounds weight of candles, for that the said wax candles were then and there found by the said officer fraudulently hid and concealed in certain places there, to wit, at Westminster aforesaid, in the county aforesaid, with intent to defraud his said majesty of the duties chargeable thereon, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said wax candles became forfeited: And also for that the said wax candles were then and there found by the said officer lodged in certain places, to wit, at Westminster aforesaid, in the county aforesaid, with intent to defraud his said majesty of his duties chargeable thereon, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said wax candles became forfeited: And also for that the said wax candles being wax candles chargeable with duties to our said lord the king, by the statute in that case made and provided, were then and there found, put, and deposited in certain private places, to wit, in a certain shop and warehouse, or back room behind the said shop of and belonging to one Thomas Thorley, he the said Thomas Thorley then and there being a maker of candles; and for which said places no entry or entries had been made or notice given of, as by the statutes in that case made and provided is required, contrary to the form of the statutes in that case made and provided, whereby and by force of the said statutes the said places, to wit, in a shop used by a maker of candles for which no entry had been made.

Information for the condemnation of wax candles, for that the same were found fraudulently hid and concealed, with intent to defraud the duties.

23. G. 2. c. 21. f. 34.

2d Count, for being lodged in a certain place with intent to defraud the duties.

5. G. 3. c. 43. f. 22.

Amended by leaving out the words "and concealed," and adding the 3d Count.

3d Count, for being found, put, and deposited in private places, to wit, in a shop used by a maker of candles for which no entry had been made.

3. Ann. c. 9. case made and provided, whereby and by force of the said statutes the said wax candles became forfeited,

G. Wood.

Mr. Wood's opinion taken previous to amending the above information :

It seems very extraordinary that the court of exchequer should decide upon the 5. G. 3. that the candles are not forfeited unless they are concealed when the statute is in the disjunctive lodged or concealed. The information is lodged and concealed ; but I conceive if either is proved, the information is supported, the offence in the statute being in the disjunctive. However that the court may get into no mistake in that point, I think it would be proper to amend the

2d Count of the information, by striking out the words "and concealed," and letting it stand *lodged* only, and then to bring it on again before the court ; for at present it does not appear that the court has at all taken it upon that point.

I think too that Thorley is a maker of candles ; and that those candles are forfeited, as being in an unentered place, on the 8 Ann. c. 9. f. 6. and that it will be proper to get a Count added for that purpose.

G. Wood.

Against a cyder factor and agent for beginning to sell cyder without making entry of his name and cellar used by him for laying and keeping cyder.

THAT defendant being a factor and agent, having, receiving, and taking cyder into his custody, possession, and power to sell and dispose of after the fifth day of July 1766, and before the day of exhibiting this information, to wit, on the first day of May, in the year of Our Lord 1787, at Westminster, in the county of Middlesex, did begin to sell or dispose of the same ; yet the said defendant did not at least three days before he began to sell or dispose of the same make a true and particular entry in writing at the office of excise, next to the place where such cyder was intended to be sold or disposed of, of the name of the said defendant, and of every storehouse, warehouse, room, cellar, or other place wherein he had laid or kept or intended to lay or keep any cyder ; but contrary to the direction of the statute in that case made and provided, he the said defendant did make use of a cellar for the laying and keeping cyder without having made such entry as aforesaid, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute he the said defendant hath forfeited and lost the sum of fifty pounds for the said cellar so used, after the said sixth day of July 1766, without entry as aforesaid (2d Count like the 1st, but for a *place* instead of *cellar*) : And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said defendant being a dealer in and retailer of cyder, and receiving cyder into his custody for sale after the twenty-fifth day of March 1763, and before the day of exhibiting this information, to wit, on the first day of May, in the year of Our Lord 1787, to wit, at Westminster aforesaid, in the said county, did make use of a certain other cellar for keeping of cyder without making or having made a true and particular entry in writing of the said last-mentioned cellar at the office of excise, within the compass or limits whereof the said last-mentioned cellar was situated, contrary

6. G. 3. c. 14. f. 9.

2d Count, for using a cellar for keeping cyder without entry.

3d Count.

to the form of the statute in that case made and provided, whereby 3. G. 3. c. 8.
and by force of the said last-mentioned statute the said defendant 6. 25.
hath for his last-mentioned offence forfeited the further sum of
fifty pounds.

GEORGE WOOD.

THAT one Joseph Wood on the first day of May 1785, and before, was, and from thenceforth hitherto hath been and still is a dealer in cyder, to wit, at Westminster, in the said county of Middlesex; and the said Joseph Wood so being such dealer in cyder as aforesaid, after the fifth day of July 1766, and before the removal hereafter next mentioned, to wit, on the said first day of May 1785, to wit, at Westminster aforesaid, one William Newton did buy of the said Joseph Wood so being such dealer in cyder as aforesaid, a large quantity, to wit, two hundred and sixty gallons of cyder; and that the said Joseph Wood so being such dealer in cyder as aforesaid, afterwards, and between the first day of May 1785, and the day of exhibiting this information, to wit, on the first day of April 1786, at Westminster aforesaid, in the said county of Middlesex, did remove and send, and cause and procure to be removed and sent the said quantity of cyder from one James Cowper the maker of the said cyder, to the said William Newton the person buying the same of the said Joseph Wood as aforesaid, without the duties thereon having been first charged, and without a certificate to accompany the same signed by the proper officer of excise, signifying the quantity of cyder so sent and removed, and the number of casks or other package containing the same; and that the duties due thereon had been charged for the same, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said Joseph Wood hath for his said offence forfeited and lost the sum of fifty pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Joseph Wood so being such dealer in cyder as aforesaid, after the said fifth day of July 1766, and before the removal hereafter next mentioned, to wit, on the first day of May 1785, to wit, at Westminster aforesaid, the said William Newton did contract with the said Joseph Wood so being such dealer in cyder as aforesaid, for the purchase of another large quantity, to wit, two hundred and sixty gallons of other cyder; and that the said Joseph Wood so being such dealer in cyder as aforesaid, afterwards, and between the said first day of May 1785, and the day of exhibiting this information, to wit, on the said first day of April 1786, to wit, at Westminster aforesaid, in the said county, did remove and send, and cause and procure to be removed and sent the said last-mentioned quantity of cyder from the said James Cowper the maker of the said cyder, to the said William Newton the person contracting for the same as aforesaid, without the duties thereon having

Against a cyder
factor for re-
moving cyder
from the maker
to the person
buying the same
of defendant
without duties
charged, and
without a cer-
tificate signed
by the proper
officer.

6. G. 3. c. 14.
6. 25.

ad Count, same
as the 1st; but
for removing
cyder from the
maker to the
person contract-
ing with de-
fendant for the
same.

6. G. 3. c. 14.
f. 15.

3d Count, for removing it from the maker to the person ordering it of defendant.

8. G. 3. c. 14.
f. 15.

having been first charged, and without a certificate to accompany the same signed by the proper officer, signifying the quantity of cyder so sent and removed as last aforesaid, and the number of casks or other package containing the same, and that the duties due thereon had been charged for the same, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said Joseph Wood hath for his said last-mentioned offence forfeited and lost the further sum of fifty pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Joseph Wood so being such dealer in cyder as aforesaid, after the said fifth day of July 1766, and before the removal hereafter next-mentioned, to wit, on the first day of May 1785, at Westminster aforesaid, the said William Newton did order from the said Joseph Wood so being such dealer in cyder as aforesaid, another large quantity, to wit, two hundred and sixty gallons of other cyder; and that the said Joseph Wood so being such dealer in cyder as aforesaid, afterwards, and between the said first day of May 1785, and the day of exhibiting this information, to wit, on the said first day of April 1786, to wit, at Westminster aforesaid, in the said county, did remove and send, and cause and procure to be removed and sent the said last-mentioned quantity of cyder from the said James Cowper, the maker of the said cyder, to the said William Newton the person ordering the same as aforesaid, without the duties thereon having been first charged, and without a certificate to accompany the same signed by the proper officer of excise signifying the quantity of cyder so sent and removed as last aforesaid, and the number of casks or other package containing the same, and that the duties due thereon had been charged for the same, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said Joseph Wood hath for his said last-mentioned offence forfeited the further sum of fifty pounds.

G. Wood,

Against a distiller and maker of low wines and spirits for sale, for making spirituous liquors without making an entry, ten days before he made such spirits, of a still used in the making low wines and spirits.

THAT one Richard Knighton, after the first day of July 1751, and before the day of exhibiting this information, to wit, on the twentieth day of April, in the year of Our Lord 1785, at Westminster aforesaid, in the said county, did become, and then and there was, and from thenceforth until, and at the time of committing the several offences next hereinafter mentioned, was a distiller and maker of low wines and spirits for sale; and the said Richard Knighton having so become and so being such distiller and maker of low wines and spirits as aforesaid, he the said Richard Knighton did then and there distil and make certain spirituous liquors; yet the said Richard Knighton did not ten days before he the said Richard Knighton did so distil and make the said spirituous liquors, make a true and particular entry in writing at the next office of excise within the limits whereof his the said Richard

and Knighton's place used for distilling and keeping wash, low wines, and spirits was situate, of a certain still which he the said Richard Knighton did then and there make use of for the distilling and making low wines, spirits, and strong waters, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute he the said Richard Knighton hath forfeited and lost for the said still so made use of and not entered as aforesaid the sum of fifty pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that he the said Richard Knighton having so become and so being a distiller and maker of low wines and spirits for sale as aforesaid, he the said Richard Knighton did afterwards, to wit, on the twentieth day of May, in the said year of Our Lord 1785, at Westminster aforesaid, in the said county, distil and make the said spirituous liquors; yet the said Richard Knighton did not ten days before he the said Richard Knighton did so distil and make the said spirituous liquors, make a true and particular entry in writing at the next office of excise, within the limits whereof his the said Richard Knighton's place, and for distilling and keeping wash, low wines, and spirits, was situate, of a certain copper which he the said Richard Knighton did then and there make use of for the brewing, distilling, working, making, laying, and keeping worts, wash, low wines, spirits, and strong waters, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute he the said Richard Knighton hath forfeited and lost for the said copper, which he the said Richard Knighton so made use of and not entered as aforesaid, the further sum of fifty pounds.

G. Wood.

24. G. 2. c. 40.
f. 18.

2d Count, for not making entry of a copper used in the keeping worts, wash, low wines, and spirits.

24. G. 2. c. 40.
f. 18.

THAT Solomon Leonard after the tenth day of April 1697, and before the exhibiting of this information, to wit, on the tenth day of January, in the year of Our Lord 1785, at Westminster, in the county of Middlesex, he the said Solomon Leonard then and there being a distiller and maker of low wines and spirits for sale, had and kept a private and concealed place for the brewing, making, laying, and keeping worts, wash, low wines, and spirits, without first giving notice thereof at the next office of excise within the limits or jurisdictions whereof he the said Solomon Leonard inhabited, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said Solomon Leonard hath for the said private and concealed place forfeited the sum of twenty pounds [2d and 3d Counts, keeping private wash batch, &c. private vessels called cisterns, &c.]: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Solomon Leonard after the first day of July 1751, to wit, on the said tenth day of January, in the year of Our Lord 1785, at Westminster

Against a distiller and maker of low wines for sale for having a private and concealed place for laying worts, wash, low wines, and spirits without notice.

8. and 9. W. 3
c. 19. f. 10.

4th Count, for using a wash batch without entry.

ster aforesaid, in the said county, did become a distiller and maker of low wines and spirits for sale, and did distill and make spirituous liquors; and being such distiller and maker of low wines and spirits for sale, afterwards, to wit, on the same day and year last aforesaid, at Westminster aforesaid, did make use of a certain wash batch for the brewing, distilling, working, making, laying, and keeping worts, wash, low wines, spirits, and strong waters; yet the said Solomon Leonard did not ten days before he distilled and made spirituous liquors, make a true and particular entry in writing at the next office of excise within the limits whereof his workhouse, stillhouse, storehouse, and other place used for distilling and keeping wash, low wines, and spirits was situate of the said last-mentioned wash batch which he so made use of as aforesaid, for the brewing, distilling, working, making, laying, and keeping worts, wash, low wines, spirits, and strong waters as by the said statute in that case made and provided is required, but neglected so to do, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute he the said Solomon Leonard hath forfeited and lost for the said last-mentioned wash batch so made use of and not entered as aforesaid, the sum of fifty pounds [5th Count, using a vessel called a cistern without entry]: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that after the twenty-eighth day of February 1698, and before the day of exhibiting this information, to wit, on the said tenth day of February, in the year of Our Lord 1785, at Westminster aforesaid, in the said county, the said Solomon Leonard being such distiller as aforesaid, had and kept a certain private pipe by which wash and other liquors fit for distillation might be conveyed from one batch or other vessel to another, or from any such batch or vessel to his still or stills, contrary to the form of the statute in that case made provided, by reason whereof and by force of the said last-mentioned statute the said Solomon Leonard hath forfeited for the said pipe the further sum of one hundred pounds [7th Count, had and kept a private stop cock, by which wash and other liquors fit for distillation might be conveyed from one batch or other vessel to another, and from any such batch or other vessel to his still or stills]: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Solomon Leonard being a distiller, did between the first day of January 1784, and the day of exhibiting this information, to wit, on the fourteenth day of December 1785, at Westminster, in the said county of Middlesex, open the charge cock of and to a certain still to him then and there belonging, and by him then and there used, after the same charging cock had been locked and secured by the proper officer of excise in that behalf, as by the statute in that behalf is required, before the same had been opened by the proper officer of excise in that behalf, contrary to the form of the statute in that case made

24. G. 2. c. 40.
f. 18.

8th Count, for
having a private
pipe for
conveying wash
from one batch
to another.

30. and 31.
W. 3. c. 4. f. 3.

8th Count, for
opening the
charge cock of
a still after the
same had been
locked and se-
cured by the
proper officer,
and before the
same had been
opened.

32. G. 3. c. 46.
f. 18.

made

made and provided, whereby and by force of the said last-mentioned statute the said Solomon Leonard hath for his said last-mentioned offence forfeited and lost the further sum of two hundred pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Solomon Leonard between the times last aforesaid, to wit, on the said fourteenth day of December 1785, at Westminster aforesaid, in the said county, did open the discharge cock of a certain still of him the said Solomon Leonard so being such distiller as aforesaid, after the same had been locked and secured by the officer of excise in that behalf, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said Solomon Leonard hath for his said mentioned offence forfeited and lost the further sum of two hundred pounds:

9th Count, for opening the discharge cock of a still after the same had been locked by the proper officer.

14. G. 3. c. 73. f. 12.

And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Solomon Leonard between the times last aforesaid, to wit, on the said fourteenth day of December 1785, at Westminster, in the said county, did wilfully hurt and damage a certain lock put upon the discharge cock of a certain still belonging to him the said Solomon Leonard so being such distillers as aforesaid, and by him then and there used, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute he the said Solomon Leonard hath forfeited and lost the further sum of two hundred pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Solomon Leonard being a distiller and maker of low wines and spirits for sale, between the times last aforesaid, to wit, on the said fourteenth day of December 1785, at Westminster aforesaid, in the said county, did presume to distil and to make low wines and spirits before he had found and provided and affixed sufficient keys, locks, and fastenings, or a sufficient key, lock, and fastening (approved of in writing by and under the hands or hand of the respective surveyors or supervisors of excise, surveyor or supervisor of excise of the division or district in which the said Solomon Leonard resided) to the discharge cock of a certain wash still to him then and there belonging, and by him then and there used, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said Solomon Leonard hath for his said last-mentioned offence forfeited the further sum of fifty pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that after the twenty-ninth day of September, in the year of Our Lord 1783, and before the day of exhibiting this information, to wit, on the twentieth day of May, in the year of Our Lord 1784, at Westminster, in the said county, the said Solomon

10th Count, for damaging the lock affixed to the discharge cock of a still.

14. G. 3. c. 73. f. 12.

11th Count, for presuming to distil without finding fastenings to the discharge lock of the wash still.

14. G. 3. c. 73. f. 5.

12th Count, for using molasses in making corn wash.

mon

mon Leonard being a distiller and maker of low wines and spirits from corn and grain, did make use of a large quantity, to wit, one hundred pounds weight of molasses in the brewing, making, and preparing wash for distillation, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said Solomon Leonard hath forfeited and lost for his said last-mentioned offence the further sum of one hundred pounds.

GEO. WOOD.

For the consideration of **THAT** he the said Thomas Cooper, so being one of the officers of excise as aforesaid, after the tenth day of October 1784, to wit, on the second day of May, in the year of Our Lord 1785, to wit, at Ratcliff, in the said county of Middlesex, did seize and arrest, to the use of his said majesty and himself as forfeited, a large quantity, to wit, eighteen thousand six hundred gallons of spirituous liquors called raw molasses, for that the said spirituous liquors after the tenth day of October 1784 had been removed by virtue of permits in that behalf, to wit, from Bristol to Southwark, under a false description, that is to say, under the description of British brandy, when in truth and in fact the same were not British brandy, but raw molasses spirits, contrary to the form of the statute in that case made and provided, whereby the said raw molasses spirits became lost and forfeited.

24 Geo. 3. c. 46.
s. 10.

GEO. WOOD.

Against a distiller for home consumption for obstructing an officer from having free ingress and regress to and from his stillhouse, where utensils were standing, by keeping the stillhouse-door shut. **THAT** one Thomas Harris after the tenth day of October 1784, and before the day of exhibiting this information, to wit, on the eighth day of April 1785, and long before, was and still is a distiller of low wines and spirits for home consumption, and had made entry of a certain still and certain places and utensils for the brewing, fermenting, and distilling of wash, low wines, and spirits for home consumption, which utensils were standing in the said entered stillhouse and places belonging to the said Thomas Harris, so being such maker of low wines and spirits for home consumption as aforesaid, to wit, at Westminster, in the county of Middlesex, and that one James Graham during all the time aforesaid was an officer of excise belonging to the district in which the said still house and places were situate, and that he the said James Graham so being such officer as aforesaid, between the said tenth day of October 1784 and the day of exhibiting this information, to wit, on the said eighth day of April 1785, did by the usual and accustomed door and passage to the said stillhouses and places attempt to enter the said entered stillhouse and places where the said utensils for brewing, fermenting, and distilling were standing as aforesaid, and that the said Thomas Harris did then and there wilfully obstruct the said James Graham so being such officer as aforesaid, from having free ingress and

and regrefs into and from the ſaid entered ſtill houſe and places, by keeping the uſual and accuſtomed door and paſſage into the ſaid entered ſtill houſe and places ſhut and faſtened againſt the ſaid James Graham, ſo being ſuch officer of exciſe as aforeſaid, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid ſtatute the ſaid Thomas Harris hath forfeited the ſum of two hundred pounds: And the ſaid attorney general who proſecutes as aforeſaid, doth on behalf of his ſaid maſtey further give the court here to underſtand and be informed, that between the firſt day of January 1785 and the day of exhibiting this information, to wit, on the twenty-fixth day of February 1785, at Weſtminſter aforeſaid, in the ſaid county, the ſaid James Graham ſo being ſuch officer of exciſe as aforeſaid, in purſuance of the ſtatutes in that caſe made and provided, did enter into the diſtilling houſe and places belonging to and uſed by the ſaid Thomas Harris, ſo being ſuch diſtiller as aforeſaid, and under the ſurvey of the ſaid James Graham, ſo being ſuch officer as aforeſaid, to gauge all coppers, vats, and veſſels in the ſame, and take an account of all beer, ale, worts, perry, cyder, ſtrong waters, aqua vitæ, metheglin, or other liquors in the ſaid houſe, places, and veſſels from time to time brewed, made, and diſtilled, in order to make a return or report thereof in writing to the commiſſioners of exciſe, and alſo to enter and keep exact accounts in his books of all worts, waſh, tilts, and other liquors whereon certain duties are impoſed by the ſtatute in that caſe made and provided, and in the ſaid books to give the ſaid Thomas Harris credit according to the rates and proportions in the ſaid act particularly mentioned, and that the ſaid Thomas Harris did then and there obſtruct and hinder the ſaid James Graham ſo being ſuch officer of exciſe as aforeſaid, in the due execution of the aforeſaid powers and authorities given and granted to him by the ſtatutes in that caſe made and provided, contrary to the form of the ſtatute in that caſe made and provided, whereby and by force of the ſaid ſtatute the ſaid Thomas Harris hath forfeited and loſt the further ſum of two hundred pounds of like lawful money.

24. Geo. 3. c. 46.
ſ. 31.

ad Count, for
obſtructing an
officer from
gauging and tak-
ing an account
of ſtock.

12. Car. 2. c. 23.
ſ. 19.

24. Geo. 3. c. 46.
ſ. 4. & 41.

GEO. WOOD.

GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and ſo forth, to George Hepburn, greeting: We command and ſtrictly enjoin you, that (all excuſes apart) you appear before the barons of our exchequer, at Weſtminſter, on the twenty-third day of January next, to anſwer us concerning certain articles then and there on our behalf to be objected againſt you; and this in no wiſe omit under the penalty of one hundred pounds which we ſhall cauſe to be levied to our uſe upon your goods and chattels, lands, and tenements, if you neglect this our preſent command. Witneſs Sir John Skinner, knight, at Weſtminſter, the twenty-eighth day

Common Sub-
poena. See in-
formation poſt.

day of November, in the twenty-seventh year of our reign. By the barons.

ELLIOT.

Indorsed

At the suit of his majesty's attorney general by information.

Capias.

GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and so forth, to the sheriff of Cornwall, greeting: We command you, that you do not omit, by reason of any liberty, but enter the same, and take William Spargoe by his body wherever you shall find him in your bailiwick, and that you keep him safely and securely, so that you have his body before the barons of our exchequer, at Westminster, on the twenty-first day of April next, to answer us touching certain articles whereon he is impleaded by an information lately exhibited against him before our said barons, by our attorney general, for the forfeiture of the sum of two thousand two hundred and fifty pounds for the offence in the said information, and that you then have there this writ. Witness Sir James Eyre, knight, at Westminster, the first day of February, in the thirtieth year of our reign, by the remembrance roll, and by the barons.

ELLIOT.

Michaelmas Term, 1790.

Information against a tanner for taking hides out of the wooze to be dried without notice.

MIDDLESEX, to wit. Be it remembered that Sir Archibald Macdonald, knight, his majesty's attorney general, who prosecutes for his said majesty, being present here in court the twenty-eighth day of November in this same term, in his proper person doth on the behalf of his said majesty give the court here to understand and be informed, that one George Hepburn, long before and at the time of committing the several offences herein after mentioned, was a tanner of hides and skins, and pieces of hides and skins, chargeable by the statutes in that case made and provided, with duties due and payable to his said majesty for and in respect of such hides and skins, and pieces of hides and skins; and the said George Hepburn so being such tanner as aforesaid, he the said George Hepburn whilst he was such tanner as aforesaid, and after the twenty-fourth day of June 1711, and before the day of exhibiting this information, to wit, on the twenty-fourth day of November, in the year of Our Lord 1786, to wit, at Westminster, in the county of Middlesex, did endeavour to defraud his said majesty of the duties, by the statute in that case made and provided, due and payable to his said majesty for and in respect of hides and skins, and pieces of hides and skins, by the said George Hepburn tanned in Great Britain, by not giving or sending to the proper officer of the said duties such timely notice of taking his hides and skins, and

pieces

pieces of hides and skins out of the said wooze, as the said statute or act of parliament requires, but on the contrary thereof by then and there taking the said hides and skins, and pieces of hides and skins out of the said wooze, wherein the same were tanned and steeped in order to be dried, without any notice in writing having been before given or sent by the said George Hepburn to the proper officer for the said duties, of the time when he the said George Hepburn, so being such tanner as aforesaid, should take the said hides and skins, and pieces of hides and skins, or any of them, or any part thereof out of the said wooze, wherein the same was so steeped as aforesaid in order to be dried, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said last-mentioned statute the said George Hepburn hath for his said offence forfeited the sum of twenty pounds: And the said attorney general, who prosecutes as aforesaid, doth on the behalf of his said majesty further give the court here to understand and be informed, that the said George Hepburn so being such tanner as aforesaid, he the said George Hepburn whilst he was such tanner as aforesaid, after the said twenty-fourth day of June 1711, and before the day of exhibiting this information, to wit, on the said twenty-fifth day of November, in the said year of Our Lord 1786, to wit, at Westminster aforesaid, in the said county, did take divers, to wit, three other of his hides and three other of his skins, and three other pieces of his hides and three other pieces of his skins, chargeable with duties as aforesaid, out of the wooze wherein the same had been tanned and steeped in order to be dried; yet the said George Hepburn did not, within two days after the taking such last-mentioned hides and skins, and pieces of hides and skins out of the wooze as aforesaid, make true entry with the proper officer or officers of the number and quality of the said last-mentioned hides and skins, and pieces of hides and skins so taken out to be dried, and verify such entry upon oath, but did then and there endeavour to defraud his said majesty of the duties, by the statutes in that case made and provided, payable for and in respect of the said last-mentioned hides and skins, and pieces of hides and skins, by not making due entry and giving an account of the said last-mentioned hides and skins, and pieces of hides and skins, as the said statute directs, contrary to the form of the statute in such case made and provided, by reason whereof and by force of the said last-mentioned statute the said George Hepburn hath for his said last-mentioned offence forfeited the further sum of twenty pounds: And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said George Hepburn so being such tanner as aforesaid, he the said George Hepburn whilst he was such tanner as aforesaid, after the said twenty-fourth day of June 1711 and before the day of exhibiting

9. Ann. c. 11.
f. 16 & 17.

ad Count, for not making entry with the proper officer within two days after taking hides out of the wooze to be dried, and verify such entry upon oath.

9. Ann. c. 11.
f. 16 & 17.

3d Count, for removing hides, of which a true entry ought to have been made with the proper officers, before the duties were

charged, or any mark put thereon to denote the charge and entry.

INFORMATIONS QUI TAM

this information, to wit, on the said twenty-fifth day of October, in the said year of Our Lord 1786, to wit, at Westminster aforesaid, in the said county, did endeavour to defraud his said majesty of the said duties by the statute in that case made and provided, payable to his said majesty for and in respect of hides and skins tanned in Great Britain, by then and there removing, sending, and carrying away from his yard, workhouses, and other places where he the said George Hepburn then usually dried his hides and skins, a quantity of other his hides and skins, and pieces of hides and skins, to wit, three other of his hides and three other of his skins, and three other pieces of his hides and three other pieces of his skins, whereof true entry ought to have been made with the proper officer or officers of the number and quality of the said last-mentioned hides and skins, and pieces of hides and skins, as the act in that case made and provided directs; and which said last-mentioned hides and skins, and pieces of hides and skins, were then and there chargeable with the rates and duties aforesaid, before the said duties for the said last-mentioned hides and skins, and pieces of hides and skins respectively were charged, and before any mark was put thereon or upon any or either of them, to denote the charge and entry thereof as the statute in that case made and provided directs, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said last-mentioned statute he the said George Hepburn hath for his said last-mentioned offence forfeited the further sum of twenty pounds: Wherefore his majesty's said attorney general on behalf of his said majesty prayeth the consideration of this court in the premises, and that the said several sums of money so forfeited by the said George Hepburn in the behalf aforesaid, may be adjudged to his said majesty, and that the said George Hepburn may appear here in court to answer concerning his said several offences, and concerning the said several sums of money.

9. Ann, c. 11.
 §. 16 & 17.

Prayer.

Instructions for
 plea.
 31. Eliz c. 5. §. 15.

“That all informations, &c. exhibited on any statute penal, whereby forfeitures limited to the queen, her heirs, or successors, only shall be exhibited within two years after the offence committed; and that all actions, suits, bills, or informations, which shall be had, brought, sued, or commenced for any forfeiture upon any penal statute made or to be made (except the statute of tillage), the benefit and suit whereof is and shall be by the said statute limited to the queen, her heirs, or successors, and to any other which shall prosecute in that behalf, shall be had, brought, sued, or commenced by any person that may lawfully pursue for the same as aforesaid within one year next after the offence committed or to be committed against the said statute; and in default of such suit, that then the same shall be had, sued, exhibited, or brought for the queen's majesty, her heirs, or successors, at any time within two years after that year ended.”

The

The latest of the supposed offences in point of time is stated to be committed twenty-fifth day of November 1786. The subpoena is tested the twenty-eighth day of the same November, returnable first day of Hilary following, and information filed the twenty-eighth day of November 1789, upwards of three years after offences alleged to be committed.

We presume the information is the

commencement of the suit; for the attorney general prays that defendant may appear in court to answer concerning the premises in the information. If it be so considered, the process of 1786 cannot be in pursuance of an information of 1789; therefore that information is not filed within the time limited by the statute of 31. Eliz. c. 5.

HEPBURN
at the suit of
ATTORNEY GENERAL.

And the said George Hepburn appeareth here in court by William Lane, his attorney, and prayeth oyer of the said information, and it is read unto him, which being by him heard and fully understood, he complaineth to have been grievously vexed and molested under colour of the premises, and this the less justly, because protesting that the said information and the matters therein contained are insufficient in law, whereto he hath no need, nor is he bound by the law of the land to answer; for plea nevertheless the said G. H. says, that the said supposed offences in the said information mentioned, and thereby alleged to have been committed by the said G. H. were not nor were, nor was any or either of them committed within three years next before the exhibiting of the said information, and this he the said G. H. is ready verify: Wherefore he prays judgment if he ought to be any further vexed or molested in respect of the premises in the said information contained, &c.

Plea that the supposed offences were not committed within three years.

31. Eliz. c. 5. s. 15.

V. LAWES.

CHIEF OFFICE IN LONDON FOR THE DUTIES OF EXCISE, &c. Be it remembered that on the fourth day of April 1789, within the limits of the chief office of excise in London, John Scott, gentleman, as well for his present majesty as for himself, now here exhibited to and before us the commissioners and governors duly nominated, constituted, and appointed by his said majesty for the receipt of the excise and duties upon starch, a complaint and information, and thereby informeth us, that for three months and longer, and within the limits and jurisdiction of the said office and commissioners, one Richard Lindus hath been, and continued to be, and yet is an officer for the duties of excise and for the duties upon starch, and being there such officer he the said Richard Lindus within three months now past, that is to say, on the thirteenth day of February now last past, within the limits and jurisdiction aforesaid, having cause to suspect that starch was lodged in some place or places in or about the house of Benjamin Hawes, situate in Lower Thames-street, in the city of London, and within the limits and jurisdiction of us the said commissioners, with an intent to defraud his majesty of his duties thereon, he the said Richard Lindus, being such officer as aforesaid, did go before Martin Wish and William Lowndes, esquires,

Information before the commissioners of excise for the condemnation of starch, having been lodged with intent to defraud the duty, and also for the penalty of 50*l.* incurred by the person in whose possession it was found.

H h 2

then

then and there being two of the commissioners aforesaid and for the duties upon starch, and did then and there make oath before the said Martin With and William Lowndes, esquires (they the said Martin With and William Lowndes, esquires, then and there being two of the commissioners aforesaid, having full power and complete authority to administer such oath to him in that behalf), that he suspected starch to be lodged in some place or places in or about the house of Benjamin Hawes, situate in Lower Thames-street aforesaid, in the said city of London, and within the limits and jurisdiction of the chief office in London for the said duties of excise, setting forth by his said oath the ground of such his suspicion; and the same appearing to the said Martin With and William Lowndes, the commissioners aforesaid, to be a reasonable ground of suspicion, they the said Martin With and William Lowndes, as such commissioners as aforesaid for the duties upon starch, did, by a special warrant under their hands and seals, authorize and empower the said Richard Lindus, as such officer as aforesaid, by day or by night, but if in the night then in the presence of a constable or other lawful officer of the peace to enter into all and every such place and places in and about the house of the said Benjamin Hawes, where he the said Richard Lindus did so suspect such starch to be lodged, and to seize all such starch as he should find so lodged as forfeited: And the said John Scott further informeth us the said commissioners, that the said Richard Lindus by virtue and in pursuance of the said warrant, so to him granted by and under the hands and seals of them the said Martin With and William Lowndes the commissioners aforesaid, did on the said thirteenth day of February now last past, by day enter into a certain room and place in the said house of the said Benjamin Hawes, situate in Lower Thames-street aforesaid, and then and there found a large quantity of starch, that is to say, three hundred and ten pounds weight of starch, lodged in the said room or place, with an intent to defraud his majesty of his duty thereon; whereupon by virtue and in pursuance of the said warrant to him granted as aforesaid, and also by virtue and in pursuance of the statute in such case made and provided, he the said Richard Lindus did then and there seize and carry away the said three hundred and ten pounds weight of starch, with the boxes and other things wherein such starch was contained, and the same did by force of the said statute become forfeited; and also the said Benjamin Hawes, being the person in whose possession the said starch was found, hath by force of the said statute forfeited and lost the sum of fifty pounds of lawful money of Great Britain; and thereupon the said John Scott who as well, &c. humbly prays the judgment of us the said commissioners in the premises, and that he may have one moiety of the said forfeiture and penalty according to the form of the statute in such case made and provided, and that the said defendant may be summoned to answer the said premises, and to make defence thereto before the said commissioners.

4.G.2. c.14. f.4.

Excise Office, London. You are hereby to take notice that an ^{Summons,} information hath been laid and exhibited against you before the commissioners and governors of excise, &c. by John Scott, gentleman, for the forfeiture of three hundred and ten pounds weight ^{4 G. 2. c. 14. s. 4.} of starch, the same having been lodged in your house, &c. and seized by virtue of a warrant, &c. and also for fifty pounds for the same; and you will further take notice that the said commissioners and governors have appointed to hear the said information upon Wednesday next, being the eighth day of April now instant, at nine of the clock in the forenoon, at which time you are to appear and make your defence, or otherwise the said commissioners will proceed to the hearing and determining thereof as if you were present. Dated at the office above-mentioned the fourth day of April 1789.

By order of the said commissioners,
M. W. MAYOR.

To Mr. Benjamin Hawes,
Thames-street.

If you bring counsel or attorney, and do not give two days notice thereof, he will not be heard.

8th April 1789. Mr. Hawes appeared in person; when called on to plead, said he was *guilty* of having the sack in his possession, but *not guilty* of any intent to defraud the king of his duty. The com-

missioners however recorded a plea of guilty; upon which Mr. Hawes determined on appealing against this conviction.

Chief Office in London for the Duties of Excise, &c. Be it ^{Conviction.} remembered, &c. (set out the whole of the information): And thereupon afterwards, to wit, on the eighth day of April, in the year of Our Lord 1789, at the said chief office of excise in London, the said Benjamin Hawes having been previously duly summoned, in pursuance of our summons issued for that purpose, to appear and make defence to the said information, now here appears in his proper person before us William Lowndes and Stamp Brooksbank, esquires, and the honourable John Lutterell Olmius, three of the said commissioners of excise and for the duties on starch, to answer and make defence to the matter contained in the said information, and having heard the same, he the said Benjamin Hawes is asked by us the said commissioners if he can say any thing for himself why he should not be convicted of the premises above charged upon him for the causes in the said information mentioned, and why the said starch, with the package containing the same, should not be condemned as forfeited: And ^{Confession of the facts.} thereupon he the said Benjamin Hawes voluntarily confessed that the fact and facts there charged in the said information is and are true, in the manner and form as is therein and thereby set forth; it is therefore now here considered by us the said three last-mentioned commissioners that the said Benjamin Hawes be convicted, ^{Judgment of conviction.} and he is accordingly by us convicted of the offence charged upon him

him in and by the said information; and we the said commissioners do hereby adjudge that the said three hundred and ten pounds weight of starch, together with the boxes and things wherein the same was contained, were and are forfeited, and we do further adjudge that the said Benjamin Hawes hath also for his said offence forfeited and do forfeit the sum of fifty pounds of lawful money of Great Britain, one moiety of the said forfeiture and penalty to go and be paid to our said lord the king, and the other moiety to the said John Scott the informer, according to the form of the statute in that case made and provided; in witness whereof we the said last-mentioned commissioners to this record of condemnation and conviction have hereunto set our hands and seals, at the chief office of excise in London, the eighth day of April, in the year of Our Lord 1789.

Distribution of
forfeiture and
penalty.

WM. LOWNDES. (L. S.)
ST. BROOKSBANK. (L. S.)
J. L. OLMIUS. (L. S.)

Proceedings in the appeal. John Axford being approved by the commissioners of appeal as a security with the claimant to pay the penalty adjudged by the commissioners of excise in case their judgment should be affirmed, they entered into the following bond which should have been made to his majesty, instead of the commissioners of appeal.

KNOW ALL MEN by these presents, that we Benjamin Hawes, of the parish of Saint Magnes the Martyr, in the city of London, blue-maker, and John Axford, of the parish of Saint Martin, Ludgate, in the same city, grocer, are justly and severally held and firmly bound to Daniel Bull, George Chad, and John Cowilade, of Westminster, in the county of Middlesex, esquires, three of the commissioners for appeals and regulating the duties of excise and upon starch in the sum of fifty pounds of lawful money of Great Britain, to be paid to the said Daniel Bull, George Chad, and John Cowilade, or their certain attorney, executors, administrators, and assigns; for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors, and administrators firmly by these presents. Sealed with our seals, dated this day of , in the year of the reign of our sovereign lord George the Third, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, and so forth, and in the year of Our Lord 1789.

Whereas by a certain conviction under the hands and seals of William Lowndes and Stamp Brooksbank, esquires, and the honourable John Lutterell Olmius, three of the commissioners and governors duly nominated and appointed by his majesty for the receipt of the excise and duties upon starch; bearing date on or about

about the eighth day of April 1789, the said last-mentioned Commissioners condemned as forfeited three hundred and ten pounds weight of starch, with the packages containing the same, seized by one Richard Lindus in a certain room in the house of the said Benjamin Hawes, for that the same was there lodged with an intent to defraud his majesty of his duty thereon, and also convicted the said Benjamin Hawes in the penalty of fifty pounds, he being the person in whose possession the said starch was so found, as by the conviction, reference being thereto had, may among other things more fully and at large appear: And whereas the said Benjamin Hawes, finding himself aggrieved by the said judgment and conviction, hath entered and lodged his appeal with the said Daniel Bull, George Chad, and John Cowslade so being such commissioners for appeals as aforesaid, against the said judgment and conviction: Now the condition of this obligation is such, that if on hearing of the said appeal the said judgment of condemnation and conviction shall happen to be affirmed, and the said Daniel Bull, George Chad, and John Cowslade, or any other of the commissioners for appeal for the time being, shall adjudge the said Benjamin Hawes to pay the said sum of fifty pounds or a less sum than fifty pounds, and the above bounden Benjamin Hawes and John Axford, or either of them, their or either of their heirs, executors, or administrators do well and truly pay or cause to be paid unto the said Daniel Bull, George Chad, and John Cowslade, or either of them, their or either of their executors, administrators, and assigns such sum of fifty pounds, or a less sum than fifty pounds, as the said Benjamin Hawes shall be adjudged to pay by the said commissioners of appeals, then this obligation to be void and of no effect, or else to be and remain in full force and virtue.

Condition.

Sealed and delivered, being first }
duly stamped, in the presence of } &c.

Between { BENJAMIN HAWES, Appellant.
and
JOHN SCOTT, Respondent.

Take notice that I shall appeal to the commissioners for appeals and regulating the duty of excise, or the major part of them, at the next general court of appeals, against a judgment of conviction lately given by you against me on Wednesday the eighth day of April instant, in a certain information lately exhibited against me by the above named respondent for the forfeiture of three hundred and ten pounds weight of starch, the same having been found lodged in my house, &c. and seized by virtue of a warrant, &c. also for fifty pounds for the same: And therefore I do hereby request and require that such your conviction may be forthwith sent to the commissioners of appeals, or the major part of them, as well for the purpose of my having a copy thereof to instruct counsel by on such my intended appeal, as also that

Notice of the
appeal.

PETITION TO APPEAL.—ORDER FOR HEARING.

my said appeal may be regularly entered to such conviction. Dated this ninth day of April 1789.

Yours, &c.

BENJAMIN HAWES,

WILLIAM LOWNDES, Esquire.
STAMP BROOKSBANK, Esquire.
The Hon. JOHN LUTTERELL OLMIOUS.
And to the above-named Respondent.

To the honourable the commissioners of appeals for regulating his majesty's duties of excise.

The humble petition of Benjamin Hawes, of Thames-street, in the city of London, blue-maker,

Sheweth,

Petition to lodge
appeal.

That on or about the twelfth day of February 1789, Messrs. Lindus, Simpson, and Felto, officers of excise, came to your petitioner's house and seized a sack containing about three hundred and ten pounds weight of starch powder returns which your petitioner understood they had seized for being lodged with intent to defraud his majesty of the duties chargeable on starch; that an information was exhibited before the honourable the commissioners of excise for the condemnation thereof, and also for a penalty of fifty pounds said to be incurred by your petitioner, he being the person in whose possession the starch was found; that on the eighth day of April last the hearing came on before William Lowndes and Stamp Brooksbank esquires, and the honourable John Lutterell Olmious, three of the honourable commissioners of excise, who condemned the seizure and convicted your petitioner in the penalty.

That your petitioner, conceiving himself aggrieved by such conviction, is advised to appeal against the same.

Therefore your petitioner most humbly prays your honours will permit him to enter his appeal before you against such conviction, and that your honours will appoint a day for hearing same.

And, &c.

BENJAMIN HAWES,
30th May 1789.

To the commissioners and governors of excise within the city of London, and also to Benjamin Hawes, of Lower Thames-street.

Order, appoint-
ing a day of
hearing, &c.

You are hereby to take notice, that the commissioners of appeals in matters of excise have appointed the fifth day of November next, at twelve o'clock in the forenoon, at the dutchy court, Westminster, the receipt side of the exchequer, to hear the appeal of the said Benjamin Hawes from a judgment given against him by the said commissioners and governors of excise on the eighth day of April last, whereby the said Benjamin Hawes was convicted

convicted in the sum of fifty pounds, for concealing starch, &c. Dated at the office of appeals, as above-mentioned, the twentieth day of October 1789.

By order of the commissioners of appeals,
RICHARD WALL, Registrar.

5th November 1789. It was considered, on the part of the crown, that as defendant's confession appeared on the record, no new evidence could be gone into; that if the commissioners had acted maliciously in recording this confession, they must be punished by a criminal

process. The original affidavit, on which the search warrant was founded, being produced, and there appearing some trifling variance in the day, the commissioners reversed the judgment, and awarded the appellant ten pounds for his double costs.

Before the commissioners for appeals for regulating the duties of excise, &c.

Be it remembered that heretofore, to wit, on the thirtieth day of May, in the year of Our Lord 1789, Benjamin Hawes in due time and manner appealed to the commissioners for appeals and regulating the duties of excise within the immediate limits of the chief office of excise in London, according to the form of the statutes in such case made and provided, from and against a certain sentence of condemnation and conviction of William Lowndes and Stamp Brooksbank, esquires, and the honourable John Luttrell Olmuis, commissioners and governors duly nominated, constituted, and appointed by his majesty for the receipt of the excise and duties upon starch, which said sentence of condemnation and conviction follows in these words, to wit: Chief Office in London for the Duties of Excise, &c. &c. Be it remembered that on, &c. (set out the record of condemnation and conviction): And the said Benjamin Hawes having given security to the said commissioners of appeal for all such fine, forfeiture, and penalty as upon the hearing and determination of the said information had been adjudged against him, according to the form of the statute in such case made and provided; the said appeal came on to be heard the fifth day of November in the year aforesaid, before George Chad, Daniel Bull, and John Cowslade, esquires, being the major part of the said last-mentioned commissioners then duly assembled to hear and determine the same in the duchy chamber at Westminster Hall, in the county of Middlesex, and within the limits of the said chief office of excise, whereupon we the said Daniel Bull, George Chad, and John Cowslade, having been attended by and heard the allegations of counsel respecting the said appeal, as well for the said Benjamin Hawes the appellant as for his said majesty, and the said John Scott the respondent and party originally prosecuting the said information, and having examined into and duly weighed and considered the merits of the said appeal, do hereby adjudge and determine that the original judgment of the said commissioners and governors of excise shall be, and the same is hereby reversed and made null; and we do hereby further

Reversal of the judgment of condemnation and conviction of the commissioners of excise.

CERTIFICATE OF JUDGMENT OF REVERSAL.

further adjudge and determine that the said starch, together with the boxes and things wherein the same was contained and so condemned as aforesaid, shall be restored and delivered back to the said Benjamin Hawes; and that the said John Scott, the party originally prosecuting the said information, shall and do pay to the said Benjamin Hawes the sum of ten pounds of lawful money of Great Britain, as and for his double costs in the premises, according to the form of the statute in such case made and provided. In witness whereof we have hereunto set our hand and seals, at the dutchy chamber aforesaid, this fifth day of November, in the year of Our Lord 1789.

GEORGE CHAD. (L. S.)

DANIEL BULL. (L. S.)

JOHN COWSLADE. (L. S.)

Certificate of
judgment of re-
versal.

We George Chad, Daniel Bull, and John Cowslade, being the major part of the commissioners for appeals and regulating the duties of excise within the immediate limits of the chief office of excise in London, do hereby certify and make known to whom it may concern, that in pursuance of the powers and authorities vested in us by the several acts of parliament in that case made and provided, we have this day reversed and made null a certain sentence of condemnation and conviction of William Lowndes and Stamp Brooksbank, esquires, and the honourable John Lutterell Olmius, commissioners and governors duly nominated, constituted, and appointed by his majesty for the receipt of the excise and duties upon starch, bearing date at the chief office of excise in London, the eighth day of April, in the year of Our Lord 1790, whereby the said last-mentioned commissioners and governors of excise did convict one Benjamin Hawes of a certain offence by him supposed to have been committed, in having a large quantity, that is to say, three hundred and ten pounds weight of starch lodged in a certain room and place in the house of him the said Benjamin Hawes, situate in Lower Thames-street, in the city of London, with an intent to defraud his majesty of the duties thereon; in which supposed offence the said last-mentioned commissioners and governors of excise did adjudge that the said three hundred and ten pounds weight of starch, together with the boxes and things wherein the same was contained, had been and were forfeited; and did further adjudge that the said Benjamin Hawes had also for his said supposed offence forfeited and did forfeit the sum of fifty pounds of lawful money of Great Britain, and that we the said commissioners of appeal have in consequence adjudged and determined that the said starch, together with the boxes and things aforesaid shall be restored and delivered back to the said Benjamin Hawes; and that John Scott, the party originally prosecuting in that behalf, shall and do pay the said B. H. the sum of ten pounds of lawful money as and for his double costs in the premises, according to the form of the statute in such case made and provided. Given under our hands, at the dutchy

lutchy chamber aforefaid, this fifth day of November, in the year of Our Lord 1789.

GEORGE CHAD. (L. S.)
JOHN COWSLADE. (L. S.)
DANIEL BULL. (L. S.)

(a) PLEAS before the barons of the exchequer, at Westminster, among the pleas of Michaelmas term, in the thirtieth year of the reign of our sovereign lord George the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and so forth.

London, to wit. Benjamin Hawes, debtor to his present majesty, comes before the barons of this exchequer on the sixth day of November in the same term, by John Miller his attorney, and complains by bill against Richard Lindus, Machin Simpson, and Francis Felto, present here in court the same day in a plea of trespass, that the said Richard, Machin, and Francis, on the fourth day of April, in the year of Our Lord 1789, at London aforefaid, to wit, in the parish of Saint Mary-le-bow, in the ward of Cheap, with force and arms, &c. seized, took, and carried away the goods and chattels, to wit, five hundred pounds weight of starch, five hundred pounds weight of starch powder, and five hundred pounds weight of starch powder returns of the said Benjamin of a large value, to wit, of the value of five hundred pounds of lawful money of Great Britain, there then found and being, and kept and detained the same, and caused and procured the same to be kept and detained for a long space of time, to wit, from thenceforth hitherto, whereby the said Benjamin hath been for and during all that time hindered and prevented from selling and disposing of the said goods and chattels, and hath wholly lost and been deprived of all profit, benefit, and advantage that would have arisen and accrued to him from such sale, and hath been also thereby otherwise greatly injured and damaged in his trade and business of a blue and hair powder maker, to wit, at London aforefaid, in the parish and ward aforefaid: And also that the said Richard, Machin, and Francis on the same day and year aforefaid, at London aforefaid, in the parish and ward aforefaid, with force and arms, &c. seized, took, and carried away other the goods and chattels, to wit, five hundred pounds weight of starch, five hundred pounds weight of starch powder, and five hundred pounds weight of starch powder returns of the said Benjamin Hawes, of a large value, to wit, of the value of five hundred pounds of like lawful money, there then found and being, and converted and disposed thereof to their own use, and other wrongs to the said Benjamin then and there did, to the great damage of him the said Benjamin, and against the peace of our said lord the now king; wherefore the said Ben-

Issue in the exchequer of pleas on a declaration for seizing and taking away a quantity of starch powder, and keeping and detaining same, and for converting and disposing thereof.

2d Count.

(a) An action being brought against the officer, I have added the civil proceedings in the exchequer.

jamin

jamin saith that he is injured, and hath sustained damage to the value of five hundred pounds; whereby he is the less able to satisfy his said majesty the debts which he owes him at his said exchequer, and thereof he brings his suit, &c.

Pledges to prosecute. } JOHN DOE
and
RICHARD ROE.

Plea, General
issue.

And the said Richard, Machin, and Simpson, by Abel Jenkins their attorney, come and defend the force and injury when, &c. and they say they are not guilty of the premises above laid to their charge in manner and form as the said Benjamin hath above thereof complained against them; and of this they put themselves upon the country, &c. and the said Benjamin doth the like, &c.

Replication.

Michaelmas term, 30. Geo. III.

Rule of court
for paying mo-
ney in discharge
of this suit.

HAWES
against
LINDUS AND OTHERS. } Saturday the twenty-first day of
November, upon the motion of Mr.
Short, counsel for the defendants,
it is ordered that the said defendants shall pay to the plaintiff
or his attorney the sum of ten pounds, together with the costs,
to be taxed by the deputy clerk of the pleas, if the plaintiff will
accept thereof in full discharge of this suit, and that there-
upon all further proceedings in this action shall be stayed; but
if the plaintiff will not accept thereof in full discharge of this
suit, then the defendants shall immediately bring the said sum of
ten pounds into this court, and the said sum of ten pounds shall
be considered as struck off the declaration, and be paid out of
court to the plaintiff or his attorney; and upon the trial of the
issue between the said parties, the plaintiff shall be permitted to
take a verdict for so much only as he shall be able to prove be-
yond the said sum of ten pounds; the defendants in this action
being officers of excise, and being sued in this action for an act
done by them in the execution of and by reason of their said office
as such officers as aforesaid.

By the court,

Received ten pounds into court, }
pursuant to the above rule. }

ROSE.

THO. WATSON.

Bond for the due
exportation of
foreign wines.

KNOW ALL MEN by these presents, that we William
Allison, of Crutched Friars, merchant, John Pepper-
corne, of Mile End, gentleman, and Thomas Dennis, of
Crutched Friars, merchant, are held and firmly bound
unto our sovereign lord George the Third, by the
grace of God, of Great Britain, France, and Ireland,
king, defender of the faith, and so forth, in the sum of
forty

forty pounds (a) of good and lawful money of Great Britain, to be paid to our said lord the king, his heirs or successors, to which payment, well and truly to be made, we bind ourselves and every of us jointly and severally, for and in the whole our heirs, executors, and administrators, and every of them, firmly by these presents, sealed with our seals, dated the tenth day of March in the twenty-eighth year of the reign of his said majesty, and in the year of Our Lord 1788.

Whereas the above bounden William Allison hath entered for exportation the under-mentioned quantities of foreign wines, contained in eight casks on board the ship or vessel called the Ark, Noah Squires, master, for Halifax; now the condition of this obligation is such, that if the said wines and every part thereof shall be really and truly exported to and landed at Halifax aforesaid, and if the same shall not be exported or carried to any other place or country whatsoever, or be unshipped, unladed, or laid on land, or put on board any other ship, vessel, or boat in Great Britain (shipwreck or other unavoidable accident excepted), and if a certificate shall be brought in discharge hereof within eighteen months from the date hereof, signed by the proper officer or officers of his majesty's customs at Halifax aforesaid, if any such officer or officers shall be there resident, importing that the said wine has been there landed, testifying the landing thereof, or by the British consul or other person acting as such, if no officer of his majesty's customs shall be there resident, importing and testifying as aforesaid, or under the common seal of the chief magistrate there, or under the hands and seals of two known British merchants then being there, if no officer of the customs or British consul or other person acting as such shall be there resident, or if proof shall be made to the commissioners of excise or the major part of them for the time being, according to the form of the statute in that case made and provided, of such wine being taken by enemies, or perishing in the seas or by fire, or being spent and consumed on board the said ship or vessel during the voyage, then this objection to be void, or else to be and remain in full force.

W. A. (L. S.)
J. P. (L. S.)
T. D. (L. S.)

Signed, sealed, and delivered (being first }
duly stampd) in the presence of A. B. }
Two hundred and twenty-two gallons of Portugal white wine.

(a) In treble the amount of all the duties intended to be drawn back on such exportation of such wine. 26 G. 3. c. 59. f. 48. The bond to be taken in his majesty's name, f. 48.

Michaelmas Term, 26. Geo. III.

Information against a maltster for presuming to make and manufacture malt without licence.

MIDDLESEX, to wit. Be it remembered that Richard Pepper Arden, esquire, his majesty's attorney general, who prosecutes for his said majesty, being present here in court the seventh day of November in this same term in his proper person, doth on the behalf of his said majesty give the court here to understand and be informed that one John Mills, after the tenth day of September 1784, and between that day and the day of exhibiting this information, that is to say, on the fourth day of February now last past, to wit, at Westminster, in the said county of Middlesex, did presume to make and manufacture malt for sale, and did then and there make and manufacture a large quantity, to wit, forty-six bushels of malt for sale, without first taking out a licence for that purpose in manner in the statute in that case made and provided mentioned, before the said John Mills so made

24. G. 3. c. 41. f. 6.

3d Count, for using a room for making malt without giving notice in writing to the next office of excise.

and manufactured the said malt contrary to the form of the statute, whereby and by force of the said statute the said John Mills hath forfeited for his said offence the sum of ten pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said John Mills, being a maltster and maker of malt, and not being a compounder for the duties on malt by him made or to be made between the first day of January 1785 and the day of exhibiting this information, that is to say, on the fourth day of February now last past, at Westminster, in the county of Middlesex, did make use of one room for the making of malt without first giving notice thereof in writing at the next office

12. An. c. 2. f. 36.

3d Count, for keeping and using another room for the keeping of corn.

of excise, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said John Mills hath forfeited for his said offence the further sum of fifty pounds: And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said John Mills, being a maltster and maker of malt as last aforesaid, and not being a compounder as aforesaid, between the first day of January, in the said year of Our Lord 1785, and the day of exhibiting this information, that is to say, on the said fourth day of February now last past, at Westminster, in the said county of Middlesex, did make use of one other room for the keeping of corn, to wit, barley making into malt, without first giving notice thereof in writing to the next office of excise, contrary to the form of the statute in that case made and provided; whereby and by force of the said last-mentioned statute the said John Mills hath

12. An. c. 2. f. 36.

4th Count, for fraudulently hiring and concealing a quantity of malt from the sight and view of the gauger appointed to take an account of the same.

forfeited for his said last-mentioned offence the further sum of fifty pounds: And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said John Mills, being a maltster and maker of malt as last aforesaid, between the first day of January, in the said year of Our Lord 1785 and the

day of exhibiting this information, that is to say, on the said fourth day of February now last past, at Westminster aforesaid, in the said county of Middlesex, did fraudulently hide and conceal a great quantity of his malt, that is to say, forty-six bushels of his malt *from the sight* and view of the gauger and gaugers appointed to take an account of the same, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said John Mills hath forfeited for every bushel of the said last-mentioned malt, so hid and concealed as aforesaid *from the sight* and view of the gauger and gaugers, the sum of ten shillings of like lawful money, amounting in the whole to a large sum of money, to wit, the sum of twenty-three pounds: Wherefore his majesty's said attorney general, on behalf of his said majesty, prays the consideration of this court on the premises, and that the said several sums of money so forfeited by the said John Mills may be adjudged to his said majesty; and that the said John Mills may appear here in court to answer concerning the offences aforesaid, and concerning the said several sums of money.

GEO. WOOD.

THAT one Thomas Twynham, after the twenty-fourth day of June 1726, and before the day of exhibiting this information, to wit, on the twelfth day of December, in the year of Our Lord 1786, at Westminster, in the said county of Middlesex, was a maltster and maker of malt for exportation; and the said Thomas Twynham so being such maltster and maker of malt as aforesaid; afterwards, to wit, on the said twelfth day of December, in the said year of our Lord 1786, at Westminster aforesaid, in the said county, did then and there before he began to wet a certain steeping of corn or grain, consisting of a large quantity, to wit, fifty-two bushels of corn and grain to be made into malt for exportation, give and leave notice in writing to and with the officer for the duties on malt for the division and place where such malt was to be made, of the quantity of corn and grain intended to be contained in such steeping so by him intended to be made into malt for exportation to parts beyond the seas; yet the said Thomas Twynham did not keep the said corn and grain separate and apart from other corn and grain made into malt for home consumption, but on the contrary thereof, afterwards, to wit, on the 14th day of January, in the said year of Our Lord 1787, at Westminster aforesaid, in the said county, did mix, and there was then and there found mixed a large quantity, to wit, forty bushels of the said corn and grain contained in the said steeping so entered to be made for exportation as aforesaid, with a large quantity, to wit, five thousand bushels of corn and grain made into malt for home consumption, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said Thomas Twynham hath forfeited the sum of five shillings for every bushel of grain contained in the said steeping so entered to

Against a maltster and maker of malt for exportation, having given notice of his intention to make a steeping of malt, for mixing corn and grain entered to be made for exportation, with corn and grain made into malt for home consumption.

be

INFORMATION AGAINST MALTSTERS.

be made for exportation, so found mixed with corn and grain made into malt for home consumption, amounting to a large sum of money, to wit, the sum ten pounds.

GEO. WOOD.

This clause is very ambiguous; from the words one would suppose that it only extended to the case of mixing corn before it was malted with corn made into malt; and yet that construc-

tion would render the provision of no use, because the fact never can happen, for such a mixture would spoil both; and therefore I think the act must mean to reach the fraud in question. G. W.

Against a maltster, for treading, ramming, and otherwise forcing together corn in a couch steeped in order to the making into malt.

THAT one Timothy Lord, at the time of committing the offences hereinafter mentioned, was a maltster and maker of malt for sale, to wit, at Westminster, in the said county of Middlesex, and being such maltster and maker of malt as aforesaid did, between the twenty-third day of June 1784 and the twenty-fourth day of June 1785, and during the continuance of the duties on malt continued and granted to his present majesty by an act of parliament, made in the twenty-fourth year of the reign of our sovereign lord the present king, intituled, "An Act for continuing and granting to his Majesty certain Duties upon Malt, Mum, Cyder, and Perry for the Service of the Year 1784," to wit, on the 19th day of October, in the year of Our Lord 1784, to wit, at Westminster aforesaid, in the said county, did tread, ram, and otherwise force together, in a certain couch of the said Timothy Lord, a large quantity, to wit, one hundred and six bushels of corn then and there steeped in order to the making into malt,

18. An. stat. 1.
c. 2. l. 18.

contrary to the form of the statute in that case made and provided; whereby and by force of the said statutes, he the said Timothy Lord, being such maltster and maker of malt as aforesaid, hath for his said offence forfeited and lost the sum of two shillings and sixpence for every bushel of the said corn so trodden, rammed, and forced as aforesaid, amounting in the whole to a large sum of money,

2d Count, for forcing together corn in the couch steeped in order to be made into malt, to prevent the rising and swelling thereof.

to wit, the sum of thirteen pounds five shillings: And the said attorney general, who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said Timothy Lord, being a maltster and maker of malt, and not a compounder for the duties on malt, after the twenty-third day of June 1784, and before the twenty-fourth day of June 1785, and during the continuance of the duties on malt continued and granted to his present majesty by an act of parliament, to wit, on the said twenty-ninth day of October, in the year of Our Lord 1784, at Westminster aforesaid, in the said county, did force together another large quantity, to wit, one hundred and six bushels of other corn and grain steeped in order to the making thereof into malt by the said Timothy Lord, in a certain couch of the said Timothy Lord, to prevent the rising and swelling thereof, contrary to the form of the statutes in that case made and provided, whereby and by force of the said statutes, he the

24. G. 3. c. 1.
f. 17.

Annual maltact. said Timothy Lord, being such maltster and maker of malt as

last

day of exhibiting this information, that is to say, on the said fourth day of February now last past, at Westminster aforesaid, in the said county of Middlesex, did fraudulently hide and conceal a great quantity of his malt, that is to say, forty-six bushels of his malt *from the sight* and view of the gauger and gaugers appointed to take an account of the same, contrary to the form of the statute in that case made and provided, whereby and by force of the said last-mentioned statute the said John Mills hath forfeited for every bushel of the said last-mentioned malt, so hid and concealed as aforesaid *from the sight* and view of the gauger and gaugers, the sum of ten shillings of like lawful money, amounting in the whole to a large sum of money, to wit, the sum of twenty-three pounds: Wherefore his majesty's said attorney general, on behalf of his said majesty, prays the consideration of this court on the premises, and that the said several sums of money so forfeited by the said John Mills may be adjudged to his said majesty; and that the said John Mills may appear here in court to answer concerning the offences aforesaid, and concerning the said several sums of money.

12. An. st. 1. c.
2. s. 35.

GEO. WOOD.

THAT one Thomas Twynham, after the twenty-fourth day of June 1726, and before the day of exhibiting this information, to wit, on the twelfth day of December, in the year of Our Lord 1786, at Westminster, in the said county of Middlesex, was a maltster and maker of malt for exportation; and the said Thomas Twynham so being such maltster and maker of malt as aforesaid; afterwards, to wit, on the said twelfth day of December, in the said year of our Lord 1786, at Westminster aforesaid, in the said county, did then and there before he began to wet a certain steeping of corn or grain, consisting of a large quantity, to wit, fifty-two bushels of corn and grain to be made into malt for exportation, give and leave notice in writing to and with the officer for the duties on malt for the division and place where such malt was to be made, of the quantity of corn and grain intended to be contained in such steeping so by him intended to be made into malt for exportation to parts beyond the seas; yet the said Thomas Twynham did not keep the said corn and grain separate and apart from other corn and grain made into malt for home consumption, but on the contrary thereof, afterwards, to wit, on the 14th day of January, in the said year of Our Lord 1787, at Westminster aforesaid, in the said county, did mix, and there was then and there found mixed a large quantity, to wit, forty bushels of the said corn and grain contained in the said steeping so entered to be made for exportation as aforesaid, with a large quantity, to wit, five thousand bushels of corn and grain made into malt for home consumption, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said Thomas Twynham hath forfeited the sum of five shillings for every bushel of grain contained in the said steeping so entered to be

Against a maltster and maker of malt for exportation, having given notice of his intention to make a steeping of malt, for mixing corn and grain entered to be made for exportation, with corn and grain made into malt for home consumption.

2d Count, for removing from a wetting place instead of cistern.

3. G. 3. c. 5. f. 22.

3d Count, for conveying from the cistern corn, so that no gauge could be taken of it in the couch.

3. G. 3. c. 1. f. 22.

4th Count, for wetting without a declaration.

And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said John Haskins being such maltster and maker of malt as aforesaid, after the twenty-fourth day of June 1763, and before the exhibiting of this information, to wit, on the said twenty-sixth day of April, in the said year of Our Lord 1786, at Westminster aforesaid, in the said county, did fraudulently convey away, and cause and procure, and permit and suffer to be conveyed away from the wetting place, part of a steeping of corn or grain making into malt, to wit, one hundred bushels of barley making into malt, and did mix such barley so conveyed away with and amongst a certain floor of other corn or grain making into malt, and which was then and there depending and in operation, and which had been gauged and charged with the duty in the couch, contrary to the form of the statute in such case made and provided, whereby and by force of the said statute, the said John Haskins being such maltster and maker of malt so offending as last aforesaid, hath for his said last-mentioned offence forfeited and lost the further sum of one hundred pounds.

And the said attorney general who prosecutes as aforesaid, doth on the behalf of his said majesty further give the court here to understand and be informed, that the said John Hawkins being a maltster and maker of malt, after the said 24th day of June 1763, and before the exhibiting of this information, to wit, on the said twenty-sixth day of April, in the said year of Our Lord 1786, to wit, at Westminster in the said county of Middlesex, did fraudulently convey away, and cause and procure, and permit and suffer to be conveyed away from a cistern of him then and there used as such maltster and maker of malt as aforesaid, for the wetting and steeping of corn and grain making into malt, part of a steeping of corn and grain making into malt, to wit, one hundred bushels of barley making into malt, so that no gauge of such corn or grain so conveyed away could be taken in the couch by the officer of the duties upon malt, as by law there ought to have been, contrary to the form of the statute in such case made and provided; whereby and by force of the statute in that case made and provided, the said John Haskins so being such maltster and maker of malt so offending as last aforesaid, hath for his said last-mentioned offence forfeited and lost the further sum of one hundred pounds.

And the said attorney general who prosecutes as aforesaid doth on the behalf of his said majesty further give the court here to understand and be informed, that the said John Haskins, after the said twenty-fourth day of June 1763, to wit, on the said twenty-sixth day of April, in the said year of Our Lord 1786, then being a maltster and maker of malt for home consumption (not being a compounder for the duties on malt), whose malthouse was situate in a market town, to wit, at Newbury, in the county of Berks, did begin to wet corn and grain to be made into malt in a certain cistern by him and for that purpose in his said malthouse; yet the said John Haskins so being such maltster

maker of malt, and not then being a compounder for the duties on malt as aforesaid, did not at least twenty-four hours before he began to wet the said last-mentioned corn and grain to be made into malt, give or cause to be given to the office of excise under whose survey the said John Haskins as such maltster and maker of malt then was, a notice in writing of the particular hour or time of the day when the said John Haskins intended to wet the said last-mentioned corn or grain to be made into malt, according to the form of the statute in that case made and provided, but neglected and refused to give such notice, contrary to the form of the said statute; whereby and by force of the said statute, the said John Haskins being such maltster and maker of malt so offending as last aforesaid, hath for his said last-mentioned offence forfeited and lost the further sum of one hundred pounds: And the said attorney general who prosecutes as aforesaid, doth on the behalf of his said majesty further give the court here to understand and be informed, that the said John Haskins, after the said twenty-fourth day of June 1763, to wit, on the said twenty-sixth day of April 1786, then being a maltster and maker of malt for home consumption (not being a compounder for the duties on malt) whose malthouse was situate in a market town, to wit, at Newbury aforesaid, did begin to wet other corn and grain to be made into malt in a certain cistern by him used for that purpose in his said malthouse, having, twenty-four hours before he began to wet the said last-mentioned corn and grain to be made into malt, given or cause to be given to the officer of excise under whose survey the said John Haskins as such maltster and maker of malt then was, a notice in writing of the particular hour or time of the day when the said John Haskins intended to wet the said last-mentioned corn and grain to be made into malt, did proceed to cover the whole thereof with water, according to the form of the statute in that case made and provided, to wit, at Ratcliffe aforesaid; yet the said John Haskins so being such maltster and maker of malt, and not being a compounder for the duties on malt as aforesaid, having given such notice and begun to wet such last-mentioned corn and grain in pursuance thereof as aforesaid, and having proceeded to cover the whole thereof with water as aforesaid, did not continue the same so covered for the full space of forty hours from the time of its being first wet and covered, but neglected so to do, and on the contrary thereof then and there uncovered and carried away part thereof, to wit, one hundred bushels thereof within the said space of forty hours, to wit, at Westminster aforesaid, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute, the said John Haskins being such maltster and maker of malt, and not being a compounder for the duties on malt, so offending as last aforesaid, hath for his said last mentioned offence forfeited and lost the further sum of one hundred pounds: And the said attorney general who prosecutes as aforesaid doth on behalf of his said majesty further give the court here to understand and be informed,

3. G. 3. c. 13. s. 1.

5th Count, for not continuing even under water forty hours, having given notice of wetting and proceeded to cover same with water.

3. G. 3. c. 13. s. 1.

6th Count, same as the 1st, but on another day.

informed, that the said John Haskins being a maltster and maker of malt after the said twenty-fourth day of June 1763, and before the exhibiting this information, to wit, on the twenty-seventh day of April 1786 aforesaid, to wit, at Westminster aforesaid, did fraudulently convey away, and cause and procure, and permit and suffer to be conveyed away from a cistern by him then and there used as such maltster and maker of malt as aforesaid, for the wetting and steeping of corn and grain making into malt, part of a steeping of corn and grain making into malt, to wit, one hundred bushels of other barley making into malt, and did then and there mix such last-mentioned barley so conveyed away, with and amongst a certain other floor of other corn and grain making into malt, and which was then and there depending and in operation, and which had been gauged and charged with duty in the

3. G. 3. c. 1. s. 22.

couch, contrary to the form of the statute in such case made and provided; whereby and by force of the statute in that case made and provided, the said John Haskins being such maltster and maker of malt so offending as last aforesaid, hath for his said last-mentioned offence forfeited and lost the further sum of one hundred pounds. (Seventh count same as the sixth, but for con-

8th Count, same as the 3d, but on a different day.

veying away from a *wetting-place* instead of a *cistern*): And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said John Haskins so being such maltster and maker of malt as aforesaid, after the said twenty-fourth day of June 1763, to wit, on the said twenty-seventh day of April 1786, to wit, at Westminster aforesaid, did fraudulently convey away, and cause and procure, and permit and suffer to be conveyed away from a cistern by him then and there used as such maltster or maker of malt as aforesaid, for the wetting and steeping of corn and grain making into malt, part of a steeping of other corn or grain making into malt, to wit, one hundred bushels of other barley making into malt, so that no gauge of such last-mentioned corn or grain so conveyed away could be taken in the couch by the officer of the duties upon malt, as by the law there ought to have been,

3. G. 3. c. 1. s. 22.

contrary to the form of the statute in that case made and provided; whereby and by force of the said statute, the said John Haskins so being such maltster and maker of malt so offending as last aforesaid, hath for his said last-mentioned offence forfeited and lost the further sum of one hundred pounds.

GEO. WOOD.

Count against a maltster for wetting corn and grain to be made into malt without giving forty-eight hours notice of his intention.

AND the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court to understand and be informed, that the said defendant, after the twenty-fourth day of June 1763, to wit, on the seventeenth day of May 1780, then being a maltster and maker of malt for home consumption (not being a compounder of the duties on malt), whose malthouse was not situate in any city or the suburbs thereof, or in any market town, did begin to wet corn and grain to be made into

into

into malt in a certain cistern by him used for that purpose in his said malthouse, not being situate in any city or the suburbs hereof, or in any market town, to wit, at Ratcliffe aforesaid, yet he said defendant, so being such maltster and maker of malt as aforesaid, did not at least forty-eight hours before he began to wet he said corn and grain to be made into malt, give or cause to be given to the officer of excise under whose survey the said defendant as such maltster and maker of malt then was, a notice in writing of the particular hour or time of the day when the said defendant intended to wet the said corn or grain to be made into malt, according to the form of the statute in that case made and provided, but neglected and refused to give such notice, contrary to the form of the said statute; whereby and by force of the said statute, the said defendant being such maltster and maker of malt so offending as last aforesaid, hath for his said last-mentioned offence forfeited and lost the further sum of one hundred pounds.

3.G.3.c.13.f.1.

GEO. WOOD.

AND the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said defendant being a maltster and maker of malt for home consumption (not being a compounder for the duties on malt), after the twenty-fourth day of June 1763, to wit, on the said twenty-fifth day of May, in the said year of Our Lord 1780, at Ratcliffe aforesaid, after the proper officer of excise under whose survey the said defendant, as such maltster and maker of malt then was, had taken an account of certain corn and grain steeping in the cistern there used by the said defendant for the wetting and steeping of corn and grain making into malt, did add certain fresh corn and grain, to wit, sixteen bushels of fresh barley to the corn and grain so steeping, contrary to the form of the statute, &c. Penalty one hundred pounds.

Against a maltster and maker of malt for home consumption, for adding, after the officer had taken an account of the corn and grain steeping in the cistern, fresh corn and grain to it.

3.G.3.c.13.f.1.

GEO. WOOD.

AND the said attorney general who prosecutes as aforesaid, doth on the behalf of his said majesty further give the court here to understand and be informed, that the said John Routh being a maltster and maker of malt, and not being a compounder for the duties on malt, he the said John Routh, between the first day of January 1787 and the day of exhibiting this information, and during the continuance of the duties upon malt, to wit, on the seventeenth day of December, in the said year of Our Lord 1787, to wit, at Westminster aforesaid, in the said county of Middlesex, did mix and cause to be mixed a part, to wit, one hundred bushels of his corn then and there making into malt of one wetting or steeping, with a part, to wit, one hundred bushels of his other corn

Against a maltster for mixing corn of one wetting or steeping with corn of a former wetting or steeping, before the same was put on the kiln for drying.

2. G. 2. c. 1. f. 11.

corn then and there making into malt of a former wetting or steeping, the corn so mixed amounting in the whole to a large quantity, to wit, two hundred bushels, before the same was put on the kiln for drying, contrary to the form of the statute in that case made and provided; whereby and by force of the said last-mentioned statute, the said John Roush hath for his said last-mentioned offence forfeited and lost the sum of five shillings for every bushel of the said last-mentioned two hundred bushels of corn so mixed as aforesaid, amounting in the whole to a large sum of money, to wit, to the sum of fifty pounds.

That a person had in his custody a large quantity of malt for the use of a maltster, made in England and liable to the sixpenny duty; but the person did not within ten days give an account thereof at the office of excise within the limits where the person inhabited.

33. G. 2. c. 7. f. 6.
20. G. 3. c. 35.
aid Count, that having malt belonging to another liable to the sixpenny duty, defendant fraudulently concealed the same to prevent the charging the duty.

33. G. 2. c. 7. f. 6.
20. G. 3. c. 35.

THAT William Brown, on the thirtieth day of May 1780, to wit, at Westminster, in the said county of Middlesex, had in his custody and possession, for the use, benefit, and account of William Dean, a maltster and maker of malt for sale, a large quantity, to wit, eight hundred bushels of malt made of barley, within that part of Great Britain called England, and chargeable by the statute in that case lately made and provided, with a certain rate or duty of sixpence a bushel, payable unto and for the use of his said majesty, and that the said William Brown did not on the same day and year aforesaid, or within ten days then next ensuing, give a true and particular account thereof in writing at the office of excise within the limits of which he the said William Brown then inhabited, but neglected so to do, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said William Brown hath for his said offence forfeited the sum of fifty pounds: And the said attorney general who prosecutes as aforesaid, further gives the court here to understand and be informed, that the said William Brown, on the said thirtieth day of May 1780, to wit, at Westminster, in the said county of Middlesex, had in his custody and possession for the use, benefit, and account of the said William Dean, a maltster and maker of malt as aforesaid, a large quantity, to wit, eight hundred bushels of malt made of barley within that part of Great Britain called England, and chargeable by the said statute in that case lately made and provided with a certain rate or duty of sixpence a bushel, payable unto and for the use of his said majesty; and that the said William Brown, on the same day and year aforesaid, at Westminster aforesaid, did fraudulently conceal and hide, and cause and suffer to be concealed and hid, the said malt and every part thereof, the said duties not having been charged, and with intent to prevent the charging thereof, contrary to the form of the statute in that case made and provided; whereby and by force of the statute the said William Brown hath for his said last-mentioned offence forfeited the further sum of twenty pounds.

GEO. WOOD

THAT

THAT between the twenty-fifth day of March which was in the year of Our Lord 1782, and the eleventh day of May then next following, Thomas Keys, who, during all the time aforesaid was a maker of malt for sale, and not a compounder for the duties on malt by him made, did, in Great Britain, to wit, at Westminster, in the county of Middlesex, between the said twenty-fifth day of March and the said eleventh day of May in the said year of Our Lord 1782, so being such maker of malt for sale, and not a compounder for the duties on malt, make a large quantity of malt from barley, to wit, seven hundred and six bushels of malt from barley, which by the statutes in such case made and provided were and are chargeable and charged with several and respective rates and duties due and payable to his said majesty for and in respect of such malt so made, amounting in the whole to the sum of thirty-seven pounds one shilling and three-pence three farthings of lawful money of Great Britain; and that the said Thomas Keys, at any time or times within four months after he, according to the form of the statutes in such case made and provided, made or ought to have made an entry or entries of the said malt, the said rates and duties so by and from him the said Thomas Keys due as aforesaid, or any part thereof, to his said majesty or for his use, hath not paid or caused to be paid, as by the statutes in such case made and provided he ought to have done, but the said rates and duties and every part thereof to his said majesty or to his use to pay hath hitherto wholly omitted or neglected, contrary to the form of the said statutes in that case made; whereby and by force of the said statutes the said Thomas Keys hath forfeited double the sum of the said duty so neglected to be paid as aforesaid, amounting to the sum of seventy-two pounds two shillings and seven-pence halfpenny of like lawful money: And the said attorney general who prosecutes as aforesaid, further giveth the court here to understand and be informed, that the said Thomas Keys so being such maker of malt as aforesaid, and not a compounder for the duties on malt by him made, after he had made such default in payment of the said duties as aforesaid, to wit, on the first day of December, in the said year of Our Lord 1782, at Westminster aforesaid, in the county of Middlesex, did deliver and carry out the said seven hundred and six bushels of malt so made as aforesaid, without having paid or cleared off the said duties due and payable to his said majesty for and in respect of the same as aforesaid, contrary to the form of the statutes in that case made and provided; whereby and by force of the said statutes the said Thomas Keys hath forfeited double the value of the said seven hundred and six bushels of malt so carried and delivered out as aforesaid, amounting to a large sum of money, to wit, to the sum of three hundred pounds of like lawful money.

Against a maltster, for double duties on malt, incurred by him not paying the single duties in due time.

12. An. stat. 1. c. 2. f. 5.
1. G. 1. stat. 2. c. 2. f. 8.

ad Count, for delivering and carrying out a quantity of malt without having paid or cleared off the duties due and payable for the same.

12. An. stat. 1. c. 2. f. 6.

GEO. WOOD.

Against a maltster, for refusing to permit an officer of excise upon request to enter his malthouse to take an account of the corn in wet.

THAT on the first day of February, in the year of Our Lord 1775 and long before, one Thomas Higgs was, and ever since hath been, and now is a public maltster and maker of malt for sale, chargeable with the duties given and granted to his said majesty by the statute in that case made and provided, that is to say, at Ratcliffe, in the county of Middlesex, and the said Thomas Higgs being such public maltster and maker of malt for sale as aforesaid, one John Williams being an officer of excise, and for the duties granted to his said majesty for and upon malt by the statute in that case made and provided, on the fifth day of February, in the year of Our Lord 1775, to wit, at Ratcliffe aforesaid, in the county aforesaid, in the day time did request the said Thomas Higgs to permit him the said John Williams, so being such officer, to enter a malthouse of and belonging to the said Thomas Higgs, and made use of by him the said Thomas Higgs in and for the making of malt, to gauge, measure, and take an account of the just quantities of certain barley and other corn and grain then wetting and steeping, and which had been wetted and steeped in such malthouse, according to the form of the statute in that case made and provided; yet the said Thomas Higgs did not nor would upon such request permit the said John Williams to enter the said malthouse of the said Thomas Higgs for that purpose, but wholly refused to permit the said John Williams to enter the said malthouse for that purpose, contrary to the form of the statute in that case made and provided; by reason whereof, and by force of the said statute he the said Thomas Higgs hath forfeited for the said offence the sum of twenty pounds.

32 Ann. c. 2.
34-

GEO. WOOD.

In the King's Bench.

THE KING
against

DANIEL HARROLD AND JOHN LAMBERT.

Affidavit to ground a judge's warrant to apprehend a person who had obstructed a revenue officer.

JOHN ALLARD and Alexander Mac Bean, officers of his majesty's customs in the port of London, jointly and severally make oath and say, and first this deponent Alexander M'Bean for himself saith, that on the sixth day of May last, about ten o'clock in the evening, as he was in a six-oared galley, guarding the Manſhip Eaſt Indiaman at Deptford, in the county of Kent, in company with the ſaid John Allard in a boat, there came off from the ſhore a great number of ſmugglers in different wherries and ſurrounded this deponent and his waterman that they could not row round the ſhip in the execution of their duty, and that the ſaid Daniel Harrold was particularly active in the obſtruction, and laid hold of the galley ſeveral times and threatened to cut this deponent down; the next morning about nine o'clock the ſaid defendant and a great number of others came to the ſhip (this deponent being then in a boat, and the ſaid John Allard in the galley), and ſurrounded this deponent with about twenty boats, that he could not get backward nor forward, and on his endeavouring

vowing to get near the ship the defendant Harrold attempted to knock him down with an oar; and during this obstruction the defendant Lambert, being close to the ship, called out to the other smugglers "are you ready?" when immediately two parcels were thrown out of the ship into his dogle, which he rowed away: And this deponent, notwithstanding the obstructions by the defendant Harrold and the others unknown, hooked her, but the defendant Lambert pushed him off, and with the assistance of the others prevented and obstructed him from securing it, and Lambert escaped with the parcels into Deptford: And this deponent John Allard for himself saith, that when the defendant Lambert returned from Deptford again, he this deponent and his waterman seized his dogle for conveying the run goods, but Lambert swore it should not be taken from him, and thirty or forty boats full of men came round and almost sunk the galley this deponent was in, by forcibly heeling her till she was half full of water, and by force and violence took and rescued the dogle and carried it into Deptford on their shoulders: And these deponents further say, that the defendants appeared to be the principal ring-leaders and abettors in obstructing them in the execution of their duty, and also in rescuing the said dogle after seizure.

JOHN ALLARD.

ALEX. M'BEAN:

Sworn by both deponents at Guildhall,
this eleventh day of July 1787, be-
fore

N. GROSE.

England, to wit. Whereas it appears unto me by the affidavit of John Allard and Alexander M'Bean, officers of his majesty's customs in the port of London, that on the sixth day of May last, John Lambert did assault and obstruct the said John Allard and Alexander M'Bean in the due execution of their said office.

These are therefore to will and require, and in his majesty's name strictly to charge and command you and every one of you on sight hereof, to apprehend and take the body of the said John Lambert, and bring him before me or one other of the judges of his majesty's court of king's bench, if taken in or near the cities of London or Westminster, if elsewhere before some justice of the peace near to the place where he shall be herewith taken, to the end that the said John Lambert may become bound with two sufficient sureties, that is to say, the said John Lambert in the sum of one hundred pounds, and the two sureties in the sum of fifty pounds each for the appearance of the said John Lambert in his majesty's court of king's bench, at Westminster, on the first day of next Michaelmas term, to answer to all and singular indictments or informations against him for assaulting and obstructing the said John Allard and Alexander M'Bean, or either of them, in the due

Judge's warrant
on the above
affidavit to ap-
prehend Lam-
bert.

SUBPOENA.—ORDER FOR SPECIAL JURY.

due execution of their office, or in case the said John Lambert shall refuse or neglect to become bound as aforesaid, that he may be committed to the common gaol of the county, city, or place where he shall be apprehended, by virtue hereof there to remain till he shall become bound as aforesaid, or shall be discharged by order of his majesty's court of king's bench, in term time, or by one of the judges of the said court in vacation: hereof fail not at your peril; given under my hand and seal the twenty-first day of July, in the year of Our Lord 1789.

N. GROSE, (L. S.)

To William Rogers, my tipstaff, of the court of king's bench, and all chief and petty constables, headboroughs, tythingmen, and all others it may concern.

Lambert being apprehended, and having entered into recognizance, but the recognizance being lost, the crown proceeded against him by common sub-pœna.

Subpoena against Lambert for the above obstruction.

George the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and so forth, to John Lambert, greeting: We command you, firmly injoining you, that laying aside all excuses and pretences whatsoever, you personally be and appear before us at Westminster, on Friday next after the morrow of All Souls, to answer to us touching and concerning those things which shall then and there be objected against you on our behalf; and further to do and receive all and singular such matters and things as our court shall then and there consider of and concerning you in this behalf; and this you are not to omit, under the penalty of one hundred pounds, to be levied on your goods and chattels, lands and tenements if you shall make default in the premises: witness Lloyd lord Kenyon, at Westminster, the first day of July, in the twenty-ninth year of our reign.

By the court,

TEMPLER.

Sir Archibald Macdonald, knight, attorney general of our said lord the king, prosecutes this writ against the within named defendant upon an information exhibited against him by Richard Pepper Arden, esquire, late attorney general in the court of our said lord the king, before the king himself, for certain trespasses, contempts, assaults, and misdemeanors whereof he (with one other) is impeached.

Copy of order for special jury at the prosecutor's instance.

THE KING } CORNWALL. Friday next, after the
against } octave of the Purification of the Blessed Virgin
WM. BADCOCK. } Mary, in the thirtieth year of king George
the Third, at the instance of the prosecutor in this cause, according

sording to the form of the statute in such case made and provided, it is ordered that the sheriff of the county of Cornwall do attend the coroner and attorney of this court with the freeholder's book of the said county, and that the said coroner and attorney in the presence of both parties shall nominate forty-eight free and lawful men out of the said book, and the agent, attorney, or solicitor for the prosecutor shall strike out twelve; and the agent, attorney, or solicitor for the defendant shall in like manner strike out twelve out of the said forty-eight; and that twenty-four, the remainder of the said forty-eight, shall be returned for the trial of the issue joined in this cause.

On the motion of Mr. LITCHFIELD,

By the court,

I appoint Monday, the eighth of March

1799, at twelve at noon.

JAMES TEMPLAR.

GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. to our warehouse-keeper of excise in our county of Middlesex, and to William Jackson, greeting: Whereas you the said William Jackson have lately seized as forfeited to our use and your own several parcels of brandy, rum, and geneva, by an indenture of appraisement returned into our court of exchequer at Westminster, dated the twelfth day of November, in the twenty-eighth year of our reign, appraised at the sum of twenty-nine pounds fourteen shillings, the property whereof is claimed by Peter Good, who hath entered such his claim thereto in this court: Now for certain reasons the barons of our said exchequer thereunto moving, we command you, that immediately after the receipt of this our writ or notice thereof by you had, you or one of you do deliver, or cause to be delivered to the said Peter Good, or his assign in that behalf, the bearer of this our writ, the said brandy, rum, and geneva, and every part thereof, in pursuance of these presents: witness sir James Eyre, knight, the twenty-seventh day of February, in the thirtieth year of our reign. By order of the court and by the barons.

Writ of delivery under seizure of spirits.

ELLIOT.

Hilary Term, 26. Geo. III.

MIDDLESEX, to wit. Be it remembered that Richard Pepper Arden, esquire, his majesty's attorney general, who prosecutes for his said majesty, being present here in court the thirteenth day of February in this same term, in his proper person, doth on behalf of his said majesty give the court here to understand and be informed, that certain merchants whose names are as yet to the said attorney general unknown, did between the first day of January 1784, and the day of exhibiting this infor-

Information for being concerned in the unshipping tea, brandy, geneva, &c. the customs and duties for the same not having been first paid.

mation,

mation, import and cause to be imported from parts beyond the seas into Great Britain, to wit, to Ratcliffe, in the county of Middlesex, within the port of London, in a certain ship or vessel, or certain ships or vessels to the said attorney general likewise unknown, by the way of merchandize, five hundred and forty-six pounds weight of tea of the value of two hundred and seventy-three pounds, twelve gallons of foreign brandy, of the value of six pounds, and thirty-six gallons of foreign spirits called geneva, of the value of fourteen pounds eight shillings, in all amounting to the sum of two hundred and ninety-three pounds eight shillings of lawful money of Great Britain of their own proper goods and merchandize; the said tea, brandy, and foreign spirits called geneva being at the time of the importation thereof liable to the payment of customs and other duties to his said majesty; and that the said merchants unknown did afterwards, to wit, within the time aforesaid, at Ratcliffe aforesaid, in the said county of Middlesex, within the port of London aforesaid, unship with intention to be laid on land the said goods and merchandize, and every part thereof out of the said ship or vessel, or ships or vessels, before the customs and other duties due to his said majesty for the same goods were first paid or secured, contrary to the form of the statute in that behalf made and provided, by reason whereof the same goods became and are forfeited; and that the said defendants at the time of the unshipping the said tea, brandy, and foreign spirits called geneva as aforesaid, were assisting and otherwise concerned in the said unshipping of the said tea, brandy, and foreign spirits called geneva, out of the said ship or vessels, or vessel or vessels, to wit, at Ratcliffe aforesaid, in the said county, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said defendant hath forfeited the sum of eight hundred and eighty pounds four shillings, being treble the value of the said tea, brandy, and foreign spirits called geneva so unshipped as aforesaid: And the said attorney general who prosecutes as aforesaid, doth on the behalf of his said majesty further give the court here to understand and be informed, that certain merchants whose names are as yet to the said attorney general unknown, did between the first day of January 1784, and the day of exhibiting this information, import and cause to be imported from parts beyond the seas into Great Britain, to wit, to Ratcliffe, in the said county of Middlesex, within the port of London, in a certain ship or vessel, or certain ships or vessels to the said attorney general likewise unknown, by way of merchandize, five hundred and forty-six pounds weight of tea of the value of other two hundred and seventy-three pounds, twelve gallons of foreign brandy, of the value of other six pounds, and thirty-six gallons of other foreign spirits called geneva, of the value of other fourteen pounds eight shillings, in all amounting to the sum of two hundred and ninety-three pounds eight shillings of lawful money of Great Britain of their own proper goods and merchandize, the said last-mentioned tea, brandy, and foreign

2. Ann. c. 7.
c. 17.

2d Count, for having tea, brandy, and geneva coming to hand, knowing they had been imported and unshipped before duties paid.

foreign spirits called geneva, being at the time of the importation thereof liable to the payment of customs and other duties to his said majesty; and that the said merchants unknown did afterwards, to wit, within the time last aforesaid, at Ratcliffe aforesaid, in the said county of Middlesex, within the port of London aforesaid, unship with intention to be laid on land the said last-mentioned tea, brandy, and foreign spirits called geneva, and every part thereof out of the said ship or vessel, or ships or vessels, before the customs and other duties due to his said majesty for the same tea, brandy, and foreign spirits called geneva, or any of them were first paid or secured, contrary to the form of the statute in that behalf made and provided; by reason whereof the said last mentioned tea, brandy, and foreign spirits called geneva became and were forfeited; and being so forfeited, the said tea, brandy, and foreign spirits called geneva, and every part thereof, after the unshipping thereof as aforesaid, to wit, within the time aforesaid, at Ratcliffe aforesaid, in the said county of Middlesex, within the port of London aforesaid, came to the hands and possession of the said defendant, he the said defendant at the time when the said last-mentioned tea, brandy, and foreign spirits called geneva, so came to his hands and possession, well knowing that the said tea, brandy, and foreign spirits called geneva, and every part thereof, were imported into Great Britain, and unshipped to be laid on land as aforesaid, the customs and duties due to his said majesty for the same not being first paid or secured, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said defendant hath forfeited the sum of eight hundred and eighty pounds four shillings, being treble the value of the said last-mentioned tea, brandy, and foreign spirits called geneva: Wherefore his majesty's said attorney general on behalf of his said majesty prayeth the consideration of this court in the premises, and that he the said defendant may for the offences aforesaid forfeit the said several sums of money, and that he may appear here in court to answer concerning the offences aforesaid, and concerning the said several sums of money.

G. Wood.

AND the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that certain merchants whose names are as yet to the said attorney general unknown, did between the first day of January 1785, and the day of exhibiting this information, import and cause to be imported from parts beyond the seas into Great Britain, to wit, to Ratcliffe, in the said county of Middlesex, within the port of London, in a certain ship or vessel, or certain ships or vessels to the said attorney general unknown, by way of merchandize, sixty-seven gallons of foreign brandy of the value of thirty-three pounds ten shillings, the said brandy being at the time of the said importation thereof liable to the

Count for harbouring; keeping, and concealing foreign brandy knowing that the same were run goods.

the payment of duties of customs and excise, and other duties to his said majesty; and that the said merchants unknown did afterwards, to wit, within the time aforesaid, at Ratcliffe aforesaid, in the said county, within the port of London aforesaid, unship to be laid on land, and did run on land, within Great Britain, the said brandy before the said duties of customs or excise due to his said majesty for the same were first paid or secured, contrary to the form of the statute in that case made and provided; by reason whereof the said brandy became and was forfeited, and being so forfeited, the said defendant, within the time aforesaid, to wit, on the seventeenth day of January 1786, at Ratcliffe aforesaid, in the said county of Middlesex, within the port of London aforesaid, did knowingly harbour, keep, and conceal, and did knowingly permit and suffer to be harboured, kept, and concealed the said brandy and every part thereof; he the said defendant at the time when he so harboured, kept, and concealed, and so permitted and suffered to be harboured, kept, and concealed the said brandy, well knowing that the said brandy, and every part thereof was run goods, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said defendant hath for his said offence forfeited one hundred pounds ten shillings, the treble value of the said brandy.

i. G. 2. c. 30.
c. 16.

The court of excise have established three distinctions, viz. 1st, that where the goods are found in the house of the party, the knowledge shall be presumed; ad, that if they are found in his grounds, some direct evidence of his knowledge

must be given; and 3d, that if they are found in an outhouse belonging to him the presumption shall not arise, unless it be shewn that he himself kept the key. Rex v. Frances. Cited in Doug. Rep.

For having on board a ship, coming from foreign parts, more than one hundred gallons of spirituous liquors over and above two gallons per man, then belonging to the ship, and being in casks under sixty gallons.

THAT one James Santecruse being one of his majesty's officers of excise, after the first day of August 1779, and before the day of exhibiting this information, to wit, on the twenty-third, twenty-fifth, twenty-sixth, and twenty-seventh days of July, in the year of Our Lord 1785, to wit, at Ratcliffe, in the said county of Middlesex, within the port of London, did discover and find on board a certain ship or vessel then and there coming and arriving from foreign parts within the limits of a port of this kingdom, to wit, from the island of Saint Christopher's, in the West Indies, more than one hundred gallons of foreign spirituous liquors, to wit, one hundred and nineteen gallons of rum over and above the quantity of two gallons for every seamen then or at any of those times belonging to and on board the said ship or vessel, the same spirituous liquors then and there being in casks under sixty gallons; and that one John Clarke then and there was the master of the said ship or vessel, having and taking the charge of the said ship or vessel, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute he the said John Clarke hath forfeited and lost for his said offence the sum of three hundred pounds.

19. G. 3. c. 69.
c. 7.

Easter

Easter Term, 26: Geo. III.

MIDDLESEX, to wit. Be it remembered that Richard Pepper Arden, esquire, his majesty's attorney general, who prosecutes for his said majesty in this behalf, cometh before the barons of this exchequer the third day of May in this same term in his proper person, and giveth the court here to understand and be informed, that one John Durant being one of the officers of excise, between the first day of September last past, and the day of exhibiting of this information, to wit, on the eleventh day of February last past, at Ratcliffe, in the said county of Middlesex, did seize and take to the use of his said majesty as forfeited, a large quantity, to wit, three hundred and forty gallons of foreign brandy; for that he the said John Durant so being such officer as aforesaid, between the times aforesaid, to wit, on the said eleventh day of February, at Ratcliffe aforesaid, in the said county, did discover and find an increase of a large quantity, to wit, three hundred and forty gallons of foreign brandy in the stock of one John Dunkin, he the said John Dunkin then and there being a dealer in and seller of foreign brandy and other spirituous liquors, under the survey of the officer of excise and inland duties, over and above the quantity of foreign brandy which the officer of excise found in the said John Dunkin's custody at the time of the last preceding survey upon the said John Dunkin so being such dealer in and seller of foreign brandy and other spirituous liquors as aforesaid, such increase then and there having been made by a commodity for which no duty had been paid, and which had been privately brought in by the said John Dunkin, so being such dealer in and seller of foreign brandy and other spirituous liquors as aforesaid, without permit or certificates, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute in that case made and provided, so much of the said stock of foreign brandy as was found so increased as aforesaid became forfeited and lost; whereby and by force of the said statute in that case made and provided, the said foreign brandy so seized and taken as aforesaid, being a quantity equal to the increased quantity, was seized and taken by the said officer of excise who discovered the same from and out of the said stock then in the possession of the said John Dunkin where the said increase was found: And also for that the said foreign brandy, the same being goods and merchandize for which duties of excise were then due and payable to his said majesty were brought and imported in a certain ship or vessel, or certain ships or vessels by certain persons to the said attorney general unknown, from parts beyond the seas into Great Britain, to wit, at Ratcliffe aforesaid, in the said county, by way of merchandize, and there landed and put on shore out of such ship or vessel, or ships or vessels, before the duty of excise due and payable to his said majesty for the same was fully satisfied and paid, contrary to the form of the statute in that case made and provided; whereby

Information for the condemnation of foreign brandy, for that the same being an increase in the stock of a dealer in brandy over and above the quantity found in his custody at the time of the last preceding survey.

21. G. 3. c. 55.
s. 29.

2d Count, for that the same was imported into Great Britain before the duties of excise due and payable for the same was satisfied and paid.

15. Car. 2. c. 11.
s. 17.

3d Count, for that the same was found carried from one part of this kingdom to another without permit.

whereby the said brandy became forfeited and lost : And also for that the said foreign brandy, being a quantity of one gallon, that is to say, three hundred and forty gallons, was, within the time aforesaid, to wit, on the said eleventh day of February instant, at Ratcliffe aforesaid, in the said county, removed and carried by certain persons to the said attorney general at present unknown, from one part of this kingdom to another, without any permit or certificate first had and obtained from some or one of the officers of his majesty's customs of excise, signifying and certifying the quality and quantity thereof; and that his majesty's duties chargeable thereon had been duly paid and satisfied, or that the same had been condemned as forfeited, or was part of the stock of some importer, distiller, maker, or seller of or dealer in brandy, arrack, rum, spirits, or strong waters of which an account had been taken, pursuant to the act of parliament in that case made and provided, contrary to the form of the statute in that case made and provided, by reason whereof the said brandy became forfeited: And also for that the said foreign brandy was brought

6. G. 1. c. 21. f. 17.

4th Count, for that the same was brought into a cellar made use of by a dealer in spirits without notice to the officer of excise.

into a certain cellar made use of by the said John Dunkin for the keeping of foreign brandy, he the said John Dunkin then and there being a dealer in foreign brandy, without notice being first given thereof to the officer of excise of the division or place in which such cellar in which such foreign brandy was intended to be lodged was situated, and with an authentic certificate being first produced to the said officer, and left with him, signifying and certifying that the duties charged or chargeable upon such brandy so intended to be brought in as aforesaid had been actually paid, or that the same had been condemned as forfeited, or was part of the stock of some importer, distiller, maker, or seller of or dealer in brandy, arrack, rum, spirits, or strong waters of which an account had been taken, pursuant to the act of parliament in that case made and provided, and expressing the quantity and quality thereof, and at what port or place the said duties were paid, or the spirits condemned as aforesaid, of whose stock the same was part, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said foreign brandy became and is forfeited : Wherefore, &c.

6. G. 1. c. 21. f. 13.

GEO. WOOD.

When an excise officer is informant it is supposed, if in vacation, that he exhibits his complaint before a baron on the very day that the writ for returning the seizure bears *teste*, and it is so accordingly stated; but when the attorney general exhibits an information

for condemnation of a seizure (which he seldom does), it is stated in the information to be exhibited on the first day of the term subsequent to the *teste* of the writ (if in vacation), because the attorney general being an officer of the court cannot exhibit it but when in court.

Easter

Easter Term, 28. Geo. III.

MIDDLESEX, to wit. Be it remembered that William Jackson one of the officers of his majesty's revenues of excise, who prosecutes as well for his majesty as for himself in this behalf, present here in court the second day of May in this same term, in his own proper person doth, as well on behalf of his said majesty as of himself, further give the court here to understand and be informed, that he the said William Jackson after the first day of October 1784, and before the day of exhibiting this information, at Ratcliffe, in the county of Middlesex, within the port of London, did seize and arrest to the use of his said majesty and of himself as forfeited a certain vessel with her tackle and furniture of the goods of persons unknown; for that the said vessel being a vessel belonging in the whole or in part to his majesty's subjects, called a cutter, and not being square rigged or fitted as a sloop with a standing bowsprit, and not being such a vessel as is in that behalf excepted, was after the said first day of October 1784, to wit, on the twelfth day of April 1788, found within four leagues of the coast of this kingdom, to wit, at Ratcliffe aforesaid, in the said county, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said vessel with her guns, tackle, and furniture became forfeited: And also for that the said vessel, the same being a vessel which by an act of parliament, made and passed in the twenty-sixth year of the reign of his present majesty, intituled, "An Act for the further Increase and Encouragement of Shipping and Navigation," is directed to be thereafter registered, did depart from the port to which she belonged to clear outwards coastwise as a British ship or vessel, without being registered, and without the owner and owners of the said vessel having obtained a certificate, according to the form and in the manner described in and by such act; contrary to the form of the statute in that case made and provided; whereby and by force of the said last-mentioned statute the said vessel with the tackle and furniture to her belonging became forfeited: And also for that one James Sarmon on the said twelfth day of April 1788, to wit, at Ratcliffe aforesaid, in the said county, he the said James Sarmon then and there being an officer of excise, did go on board the said vessel, for that the master did not produce a licence for the ship on the request of an excise officer.

Information for the condemnation of a vessel, for that the same being a cutter and not square rigged or fitted as a sloop, with a standing bowsprit, was found within four leagues of the coast of this kingdom.

24. G. 3. c. 47. f. 4.

2d Count, for that the same being a vessel whose bottom was clench work, and not square rigged or fitted as a sloop with a standing bowsprit, was found within four leagues of the coast.

24. G. 3. c. 47. f. 4.

3d Count, for that the same being a vessel directed to be registered by the act in that case made, did clear out from the port to which she belonged without being registered and without certificate.

26. G. 3. c. 60.

26. G. 3. c. 60. f. 32.

4th Count, for that the master did not produce a licence for the ship on the request of an excise officer.

24. G. 3. c. 47. said vessel, the same then and there being within four leagues of the coast of this kingdom, and the same vessel then and there being a vessel which by an act of parliament, made and passed in the twenty-fourth year of the reign of his present majesty, intitled "An Act for the more effectual Prevention of Smuggling in this Kingdom," was and is required to be licensed as in such act mentioned: And the said James Sarmon did then and there require the master of the said vessel to produce such licence to him the said James Sarmon so being such officer as aforesaid, as by the statute in that case made and provided, such master is required to do, but the said master of the said vessel did not produce such licence to the said James Sarmon, so being such officer and requiring the same as aforesaid, as the statute in that behalf requires, but refused and failed so to do, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said vessel became and is forfeited: And also for that the said James Sarmon afterwards, to wit, on the said twelfth day of April 1788, to wit, at Ratcliffe, in the said county, he the said James Sarmon then and there being an officer of excise, did go on board the said vessel, the same then and there being within four leagues of the coast of this kingdom, and the same vessel then and there being a vessel which by an act of parliament, made in the twenty-seventh year of the reign of his present majesty, intitled "An Act for making further Provisions in regard to such Vessels as are particularly described in an Act made in the twenty-fourth Year of the Reign of his present Majesty for the more effectual Prevention of Smuggling in this Kingdom, and for extending the said Act to other Vessels and Boats not particularly described therein, for taking off the Duties on Flasks in which Wine or Oil is imported, for laying on additional Duty on Foreign Geneva imported, and for taking off the Duty on Ebony, the Growth of Africa, imported into this Kingdom, and for amending several Laws relative to the Revenue of Customs," was and is required to be licensed as in such act is made; and the said James Sarmon did then and there require the master of the said vessels to produce such licence to him the said James Sarmon, so being such officer as aforesaid, as by the statute in that case made and provided such master is required to do; but the said master of the said vessel did not produce such licence to the said James Sarmon, so being such officer and requiring the same as aforesaid, as the statute in that behalf requires, but refused and failed so to do, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said vessel became and is forfeited; wherefore the said William Jackson as well for his said majesty as for himself prayeth the consideration of this court in the premises, and that the said ship or vessel with her guns, furniture, ammunition, tackle, and apparel for the reason aforesaid remain forfeited.
27. G. 3. c. 32. 5th Count, same as the 4th, but for not producing a licence required by another act of parliament.
27. G. 3. c. 32. 6. 7.
- c. 32.
- c. 47.
27. G. 3. c. 32. 6. 7.

G. Wood.
Michaelmas

Michaelmas Term, 26. Geo. III.

MIDDLESEX, to wit. Be it remembered that John Saunders, who prosecutes as well for his majesty as himself, cometh before the barons of this exchequer the seventeenth day of November in this same term, in his proper person, and as well for his said majesty as for himself gives the court here to understand and be informed, that the said John Saunders, between the first day of September last past and the day of exhibiting this information, to wit, on the eighteenth day of September last past, to wit, at Ratcliffe, in the county of Middlesex, within the port of London, did seize and arreit to the use of his said majesty and himself, as forfeited, a certain ship or vessel, with her guns, furniture, ammunition, tackle, and apparel of the goods and merchandizes of persons unknown; for that several parcels of foreign brandy, several parcels of rum, several parcels of foreign spirituous liquors called geneva, and several parcels of foreign spirituous liquors called shrub were within the time aforesaid imported and brought in the said ship or vessel by certain persons, to the said John Saunders at present unknown, into Great Britain, to wit, at Ratcliffe aforesaid, in the said county of Middlesex, within the port of London aforesaid, from a certain part of Europe, to wit, from the island of Guernsey, in vessels or casks, each of which vessels or casks contained less than sixty gallons at the least, and such brandy and spirituous liquors exceeding the quantity of two gallons for each seaman then belonging to and on board the said ship or vessel, contrary to the form of the statute in that case made and provided; whereby the said ship or vessel, with her guns, furniture, ammunition, tackle, and apparel became forfeited: And also for that the said ship or vessel was within the time aforesaid found at anchor within four leagues of the coast of this kingdom, not proceeding on her voyage, although the wind and weather permitted the same, and the said ship or vessel not being then compelled to be at anchor as aforesaid by unavoidable necessity or distress of weather, the said ship or vessel then and there having on board divers large quantities of brandy and other spirituous liquors, to wit, one thousand four hundred gallons of brandy, three hundred and twenty gallons of rum, three hundred and ninety gallons of geneva, and two gallons of shrub, in divers vessels or casks, each such vessel or cask not containing sixty gallons at the least, and such brandy and other spirituous liquors exceeding two gallons for each seaman then belonging to and on board such ship or vessel, contrary to the form of the statute in such case made and provided, by means whereof the said ship or vessel, with her guns, furniture, ammunition, tackle, and apparel became forfeited: And also for that the said ship or vessel was within the time aforesaid found hovering within four leagues of the coast of this kingdom, and not proceeding on her voyage, although the wind and weather permitted the same, and the said ship or vessel, not being then compelled thereto by unavoidable necessity or distress of weather, the

Information for the condemnation of a vessel, with her tackle, &c. for importing into Great Britain from a certain part of Europe several parcels of foreign spirituous liquors in casks containing less than sixty gallons, and exceeding two gallons per man.

19. G. 3. c. 69. f. 1.

2d Count, for being found at anchor within four leagues of the coast, having such spirits on board.

24. G. 3. c. 47. f. 1.

3d Count, for being found hovering within four leagues of the coast, having such spirits on board.

24. G. 3. c. 47. f. 1. said ship or vessel then and there having on board divers large quantities of brandy and other spirituous liquors, to wit, one thousand four hundred gallons of brandy, three hundred and twenty gallons of rum, three hundred and ninety gallons of geneva, and two gallons of shrub, in divers vessels or casks, each such vessel or cask not containing sixty gallons at the least, and such brandy and other spirituous liquors exceeding two gallons for each seaman then belonging to and on board such ship or vessel, contrary to the form of the statute in that case made and provided, by means whereof the said ship or vessel, with her guns, furniture, ammunition, tackle, and apparel became forfeited : And also for that the said ship or vessel was within the time aforesaid discovered to have been within four leagues of the coast of this kingdom, and not proceeding on her voyage, although the wind and weather permitted the same, and the said ship or vessel not being compelled thereto by unavoidable necessity or distress of weather, the said ship or vessel then and there having on board divers large quantities of brandy and other spirituous liquors, to wit, one thousand four hundred gallons of brandy, three hundred and twenty gallons of rum, three hundred and ninety gallons of geneva, and two gallons of shrub, in divers vessels or casks, each such vessel or cask not containing sixty gallons at the least, and such brandy and other spirituous liquors exceeding two gallons for each seaman then belonging to and on board such ship or vessel, contrary to the form of the statute in that case made and provided, by means whereof the said ship or vessel, with her guns, furniture, tackle, and apparel became forfeited : Wherefore the said John Saunders, as well for his said majesty as for himself, prayeth the consideration of this court in the premises, and that the said ship or vessel, with her guns, furniture, ammunition, tackle, and apparel may for the reasons aforesaid remain forfeited.

GEO. WOOD.

For importing spirits (not being rum or arrack) in casks containing less than one hundred gallons, and exceeding two gallons per man on board, whereby the ship was forfeited.

26. G. 3. c. 73. f. 59.

AND also for that a large quantity of foreign spirituous liquors (not being rum or arrack), that is to say, one hundred gallons of brandy and eight hundred gallons of geneva were within the times aforesaid imported and brought in the said ship or vessel, by certain persons to the said Thomas Cooper unknown, into Great Britain, to wit, to Ratcliffe, in the said county, within the port of London aforesaid, in vessels or casks, each of which vessels or casks contained less than one hundred gallons at the least, and such foreign spirituous liquors exceeding two gallons for each seaman then belonging to or on board the said ship or vessel, contrary to the form of the statute in that case made and provided ; whereby and by force of the said statute the said ship or vessel, with her guns, furniture, ammunition, tackle, and apparel became forfeited.

AND also for that a large quantity, to wit, twenty pounds weight of tea and twenty pounds weight of coffee, the same being goods and commodities of foreign growth, production, or manufacture, to wit, of the growth, production, or manufacture of Africa, Asia, or America, were within the time aforesaid shipped and brought in the said ship or vessel, by certain persons to the said Thomas Cooper at present unknown, from a certain place or country in parts beyond the seas into Great Britain, to wit, to Ratcliffe aforesaid, in the said county of Middlesex, within the port of London aforesaid, the said place or country in parts beyond the seas from whence the said tea and coffee were so shipped and brought not being the place or country of the growth, production, or manufacture of the said tea and coffee, nor the port where the said tea or coffee can only or are usually have been first shipped for transportation, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said ship or vessel, with her guns, furniture, ammunition, tackle, and apparel became forfeited.

For the condemnation of a vessel for importing tea and coffee from places not being the place or country of the growth of the same, nor the port where the said tea or coffee are usually first shipped for transportation.

12. Car. 2. c. 18. l. 4.

GEO. WOOD.

MIDDLESEX, to wit. Be it remembered that William Jackson, who prosecutes as well for his majesty as for himself, cometh before the barons of this exchequer the eighth day of August, in the twenty-seventh year of the reign of our sovereign lord the king, in his proper person, and as well for his said majesty as for himself gives the court here to understand and be informed, that he the said William Jackson, between the first day of January 1786 and the day of exhibiting this information, to wit, on the fifteenth day of July, in the year of Our Lord 1787, to wit, at Ratcliffe, in the county of Middlesex, within the port of London, did seize and arrest to the use of his said majesty and himself, as forfeited, a certain ship or vessel, with her guns, furniture, ammunition, tackle, and apparel, of the goods and merchandize of persons unknown (Counts for importing brandy and geneva in casks less than one hundred gallons, hovering, &c.): And also for that after the twenty-ninth day of September 1763, and before the day of exhibiting this information, to wit, on the said fifteenth day of July, in the year of Our Lord 1787, a large quantity of foreign goods, to wit, fifty gallons of foreign brandy and forty gallons of foreign spirituous liquors called geneva were by the said ship or vessel taken in at seas within the distance of four leagues from the coast of this kingdom, without payment of the customs and other duties due and payable for the same (there being no appearance, necessity, or lawful reason for so doing), contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said ship or vessel, the same not exceeding the burthen of one hundred tons, became forfeited and lost: Wherefore the said William Jackson, as well for his said majesty

For the condemnation of a vessel for taking in spirits at sea within the distance of four leagues, without payment of duties.

9. G. 2. c. 35 l. 23.

as for himself, prays the consideration of the court here in the premises, and that the said ship or vessel, with her guns, furniture, ammunition, tackle, and apparel may for the reasons aforesaid remain forfeited.

GEO. WOOD.

For the condemnation of a vessel and brandy, for that the brandy had been imported in the said vessel, the same being under the burthen of fifty tons, and the brandy exceeding two gallons per man.

THAT he the said John Lawrence being such officer as aforesaid, after the first day of June, in the year of Our Lord 1763, and before the day of exhibiting this information, to wit, on the seventh day of May, in the year of Our Lord 1782, to wit, at Ratcliffe, in the said county of Middlesex, within the port of London, did seize and arrest to the use of his said majesty, as forfeited, the ship or vessel called the Little Fortune, together with a great quantity, to wit, five hundred and twenty-four gallons of brandy, of the goods and merchandize of merchants unknown; for that the said foreign brandy had been since the said first day of June 1763, and before the day of exhibiting this information, to wit, on the said seventh day of May 1782, to wit, at Ratcliffe aforesaid, within the port of London aforesaid, imported and brought in the said ship or vessel called the Little Fortune, by certain persons to the said John Lawrence at present unknown, from parts beyond the seas into Great Britain, the said ship or vessel, at the time of the importation thereof then and there being under the burthen of fifty tons, and the said foreign brandy, or any part thereof, so brought and imported as aforesaid, not being for the use of the seamen then belonging to and on board such ship or vessel, or any of them, and exceeding also two gallons for every such seaman, contrary to the form of the statute in that case made and provided; whereby and by force of the statute in that case made and provided the said vessel, with all her tackle, furniture, and apparel, and also the said foreign brandy became forfeited.

3.G.3.c.22.f.5.

GEO. WOOD.

For the condemnation of rum and casks, for being imported without payment of duties.

THAT he the said John Saunders, between the first day of March last past, and the day of exhibiting this information, to wit, at Ratcliffe aforesaid, in the county of Middlesex, did seize and arrest to the use of his said majesty and himself, as forfeited, two hundred and sixty-seven gallons of foreign rum, and the casks containing the same, of the goods and merchandize of merchants unknown, for that the said rum being goods and merchandize for which the customs and other duties were then due and payable to his said majesty, were within the time aforesaid brought and imported in a certain ship or vessel, or certain ships or vessels, by certain persons to the said John Saunders at present unknown, from parts beyond the seas into Great Britain, to wit, to Ratcliffe aforesaid, in the said county of Middlesex, by way of merchandize, and there unshipped to be laid on land, the said

customs

customs and other duties due and payable to his said majesty for the said goods not being first paid or lawfully tendered, contrary to the form of the statute in that case made and provided; 8. Ann, c. 7. f. 17; whereby and by force of the said statute the said rum, together with the casks containing the same, became forfeited.

GEO. WOOD.

THAT the said Thomas Moss, between the first day of May last past and the day of exhibiting this information, to wit, on the fifteenth day of May now last past, at Ratcliffe, in the county of Middlesex, within the port of London, did seize and arrest to the use of his said majesty and of himself, as forfeited, four hundred and fifty-three gallons of foreign brandy, and four casks containing the same, of the goods and merchandize of merchants unknown, for that the said brandy being foreign liquors liable to the duties of excise, after the fifth day of July 1758, to wit, on the said twelfth day of April 1781, were brought and imported in a certain ship or vessel from parts beyond the seas into Great Britain, to wit, to Ratcliffe aforesaid, within the port of London aforesaid, by the said merchants to the said Thomas Moss unknown; and that by the said several statutes in such case made and provided, certain duties of excise, amounting in the whole to a large sum of money, to wit, to the sum of three hundred and sixty-five pounds eight shillings and fourpence three farthings of lawful money of Great Britain for and in respect of the importation of the said foreign brandy, did accrue and become due and payable to his said majesty, yet the proprietor or proprietors, importer or importers of such foreign brandy so liable to the duties of excise as aforesaid, within thirty days next after the master or person of that voyage of the ship or vessel wherein the said foreign exciseable brandy was so imported and brought into Great Britain as aforesaid, had made or ought to have made a just and true entry or report upon oath of the burthen, contents, and loading of such ship or vessel, in pursuance of the directions of the statute made in the thirteenth and fourteenth years of the reign of king Charles the Second, intituled, "An Act for preventing Frauds and regulating Abuses in his Majesty's Customs," did not make a true entry with the officer or collector appointed for the excise in the said port of London, where the said foreign exciseable brandy was so imported as aforesaid, of such foreign exciseable brandy on board such ship or vessel belonging to such proprietor or proprietors, importer or importers, and then or before satisfying the duties of excise due and payable for and in respect of the said foreign exciseable brandy, according to the form of the statute in that case made and provided, but wholly neglected and refused to make due entry and payment thereof, contrary to the form of the statute in such case made and provided; whereby and by force of the statute in that case made

For the condemnation of brandy and casks, so that the brandy being subject to excise duties, the importer did not within thirty days after the report make entry of the brandy and satisfy the duties.

c. 11. f. 21

31. G. 2. c. 36. f. 5.

504 INFORMATION.—QUI TAM.—RETAILERS OF SPIRITS.

and provided, the said foreign exciseable brandy, together with the said four casks containing the same, belonging to such proprietor or proprietors, importer or importers of the same, became forfeited.

GEO. WOOD.

For the condemnation of raw molasses spirits, for being removed by permits under a false description. **THAT** he the said Thomas Cooper so being one of the officers of excise as aforesaid, after the tenth day of October 1784, to wit, on the second day of May, in the year of Our Lord 1785, to wit, at Ratcliffe, in the said county of Middlesex, did seize and arrest to the use of his said majesty and himself, as forfeited, a large quantity, to wit, eighteen thousand six hundred gallons of spirituous liquors called raw molasses spirits, for that the said spirituous liquors, after the said tenth day of October 1784, had been removed by virtue of permits in that behalf, to wit, from Bristol to Southwark, under a false description, that is to say, under the description of British brandy, when in truth and in fact the same was not British brandy, but raw molasses spirits, contrary to the form of the statute in that case made and provided, whereby the said raw molasses spirits became lost and forfeited.

24. G. 3. c. 46.
1. 10.

GEO. WOOD.

For retailing distilled spirituous liquors without first taking out a licence, as the statute requires. **THAT** John Bury, between the first day of January 1784 and the day of exhibiting this information, to wit, at Westminster, in the said county of Middlesex, did presume to retail and did retail certain distilled spirituous liquors, that is to say, brandy and geneva, without first taking out a licence for that purpose, in manner as by the several statutes in that case made and provided, and in force at the time of passing a certain act of parliament, made in the thirteenth year of the reign of our sovereign lord the now king, intituled, "An Act for the more effectually retailing of distilled Spirituous Liquors, and for preventing the forging or counterfeiting any Stamp or Seal used for marking Silks, Calicoes, Linens, and Stuffs, to be printed, painted, stained, or dyed in Great Britain," is prescribed and directed, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said John Bury hath for his said offence forfeited and lost the sum of fifty pounds.

22 & 13 Will 3.
c. 11. l. 18
16. G. 2. c. 8. l. 8
24. G. 2. c. 40. l. 5
24. G. 2. c. 56. l. 5

13. G. 3. c. 56. l. 1.

GEO. WOOD.

Against a dealer in brandy, for taking into his possession spirits, without making entry of the place where he kept the same at the next office of excise. **THAT** John Brake, after the first day of August 1720, to wit, on the twentieth day of April, in the year of Our Lord 1785,

had

had become, and then was, and from thenceforth hitherto hath been, and still is a seller of and dealer in brandy, arrack, rum, spirits, and strong waters, to wit, at Westminster, in the county of Middlesex, and so being such seller of and dealer in brandy, arrack, rum, spirits, and strong waters, after the said first day of August 1720, and before the exhibiting of this information, to wit, on the twenty-fifth day of April 1785 aforesaid, at Westminster aforesaid did take a quantity of brandy, to wit, thirty gallons of foreign brandy, into his custody and possession, in a certain vault by him made use of for keeping of such brandy, without making or having made a true and particular entry in writing of such vault so by him made use of for the keeping of such brandy as aforesaid, at the office of excise, within the compass or limits whereof such vault was situated, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said John Brake hath for his said offence forfeited the sum of twenty pounds.

GEO. WOOD.

Michaelmas Term, 28. Geo. III.

MIDDLESEX, to wit. Be it remembered that William Jackson one of the officers of excise, who prosecutes as well for his said majesty as for himself in this behalf, cometh before the barons of this exchequer the twenty-eighth day of November in this same term, in his proper person, and as well for his said majesty as for himself giveth the court here to understand and be informed, that one John Oliver, he the said J. O. then and there being an officer of excise, between the first day of January, in the year of Our Lord 1786, and the day of exhibiting this information, to wit, on the twenty-fifth day of December, in the year of Our Lord 1787, at Ratcliffe, in the said county of Middlesex, did seize and take as forfeited a large quantity, to wit, thirty-eight gallons of foreign brandy, twenty-one gallons of rum, and forty gallons of foreign spirituous liquors called geneva, for that one Peter Good, after the twenty-fourth day of June 1725, and before the day of exhibiting this information, to wit, on the said twenty-fifth day of September, in the said year of Our Lord 1787, at Ratcliffe aforesaid, in the said county, did knowingly harbour, keep, and conceal, and did knowingly permit and suffer to be harboured, kept, and concealed, the said foreign brandy, rum, and foreign spirituous liquors called geneva, the same foreign brandy, rum, and foreign spirituous liquors called geneva being goods liable to the duties of customs and excise, which had been unlawfully run into this kingdom, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said foreign brandy, rum, and foreign spirits called geneva became forfeited and lost: And also for that the said John Oliver so

Information for the condemnation of spirits, for that the same being liable to duties of customs and excise were knowingly harboured and concealed.

11. G. 3. c. 30. f. 16.

ad Count, for being an excess

in the Rock of a dealer since the last preceding survey. being

being such officer as aforesaid, afterwards, to wit, on the twenty-fifth day of September 1777, at Ratcliffe aforesaid, in the said county, did discover and find a large quantity, to wit, thirty eight gallons of foreign brandy, twenty-one gallons of rum, and forty gallons of foreign spirituous liquors called geneva in the stock of the said Peter Good, he the said Peter Good then and there being a dealer in and seller of spirituous liquors under the survey of the officer of excise and inland duties, over and above the several and respective quantities of spirituous liquors of those several and respective denominations which the officer of excise found in the said Peter Good's custody at the time of the last preceding survey upon the said Peter Good, so being such dealer in and seller of spirituous liquors as aforesaid, such several increases then and there having been made by commodities for which no duty had been paid, which had been privately brought in by the said Peter Good, so being such dealer in and seller of spirituous liquors as aforesaid, without permit or certificate, contrary to the form of the statute in that case made and provided, so much of the said respective stock of spirituous liquors as was found so increased as aforesaid became forfeited and lost; whereby and by force of the said statute in that case made and provided the said foreign brandy, rum, and spirituous liquors called geneva, so seized and taken as aforesaid, being quantities equal to the several and respective increase quantities as aforesaid, was seized and taken by the said officer of excise who discovered the same from and out of the said several and respective stocks then in the possession of the said Peter Good, where the said respective increases were found: Wherefore the said William Jackson, as well on behalf of his said majesty as for himself, prayeth the consideration of this court in the premises, and that the said foreign brandy, rum, and foreign spirituous liquors called geneva may for the reasons aforesaid remain forfeited.

GEO. WOOD.

Against a brandy dealer for having an excess in his stock of brandy since the officer's last preceding survey.

AND the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that within the times aforesaid, to wit, on the said seventeenth day of January 1786, at Westminster aforesaid, the said John Ballard was a dealer in spirituous liquors, and that one Thomas Edmonds was during all the time aforesaid an officer of excise, and that the said Thomas Edmonds so being such officer as aforesaid, on the said seventeenth day of January 1786, did discover and find an increase of a large quantity, to wit, sixty-seven gallons of foreign brandy in the stock of foreign brandy of the said John Ballard, so being such dealer as aforesaid, over and above the quantity of foreign brandy which such officer of excise found in the said John Ballard's custody at the time of the last preceding survey upon him the said John Ballard

Ballard as such dealer as aforesaid, and which increase had been made by a commodity for which no duty had been paid, and which had been privately brought in by the said John Ballard without permit or certificate; whereby and by force of the said last-mentioned statute the said John Ballard, the person in whose stock such increase was discovered and found, hath lost and forfeited the sum of twenty pounds.

GEO. WOOD,

THAT he the said William Jackson, after the first day of August 1786, and before the day of exhibiting this information, to wit, on the fifteenth day of September 1787, at Westminster aforesaid, in the said county, then and there being such officer as aforesaid, did seize a large quantity, to wit, one hundred and six gallons of foreign brandy, for that after the said first day of August 1786, and before the day of exhibiting this information, to wit, on the said fifteenth day of September, in the said year of Our Lord 1787, at Westminster aforesaid, in the said county, one Thomas Guillaume, he the said Thomas Guillaume then and there being a rectifier of spirits, had in his custody and possession a large quantity, to wit, the said one hundred and thirty-six gallons of foreign brandy, the same not being shrub, cherry, or raspberry brandy, of a lower degree of strength than that of one in six under hydrometer proof, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute the said foreign brandy became and was then forfeited.

For condemnation of foreign brandy, the same being in the custody of a rectifier, not being shrub, cherry, or raspberry brandy of a lower degree of strength than that of one in six under hydrometer proof.

21. G. 3. c. 55. § 29.

GEO. WOOD,

THAT he the said Thomas Cooper so being such officer as aforesaid, between the first day of January 1787, and the day of exhibiting this information, to wit, on the twentieth day of June, in the said year of Our Lord 1787, at Ratcliffe aforesaid, in the said county of Middlesex, did seize to the use of his said majesty, and of himself, as forfeited, divers, to wit, eight hundred and one gallons of foreign geneva, for that the said geneva, the same being foreign liquors liable to the duties of excise, was (together with divers other goods and merchandise) imported and brought in a certain ship called the Duke of York, from parts beyond the seas into Great Britain, to wit, to the port of London, and the master of the said ship upon the importation of such geneva, goods, and merchandize, to wit, on the twentieth day of June, in the year of Our Lord 1787, to wit, at Ratcliffe aforesaid, did make an entry or report, as and for a just and true entry or report of the said geneva, goods, and merchandize, contained and laden in the said ship, in pursuance of the statute made in the thirteenth and fourteenth years of the reign of king Charles the Second, intituled "An Act for preventing Frauds, and regulating Abuses in his Majesty's

For the condemnation of geneva, for that the master of the ship in which the same was imported, did not insert in his entry or report the particular marks of the casks containing the geneva.

c. 11. § 2.

21. G. 2. c. 36. f. 7. and provided requires, but was neglected to be so done, contrary to the form of the statute, whereby and by force of the statute in that case made and provided, the said geneva became forfeited: And also for that the said geneva, the same being foreign liquors liable to the duty of excise, and which had been imported in the said ship or vessel called the Duke of York from parts beyond the seas into Great Britain, and of which a report ought to have been made, in pursuance of the statute made in the said thirteenth and fourteenth years of the reign of king Charles the Second, was found after the time when such report ought to have been made, on board the said ship or vessel called the Duke of York, of which said geneva no report had then been made by the master or purser of the said ship, as by the statute in that case made and provided is required, whereby and by force of the said statute in that case made and provided the said geneva became forfeited.
24. G. 3. c. 67. f. 28. ad Count, for not being reported.

G. WOOD.

For the condemnation of a horse and cart being employed in the removal of British spirits, without a permit.

23. G. 3. c. 70. f. 15. AND also for that the said Robert Aslin so being such officer as aforesaid, between the first day of January 1785, and the day of exhibiting this information, to wit, on the said tenth day of October 1785, at Westminster aforesaid, in the said county of Middlesex, did seize and arrest to the use of his said majesty and himself, as forfeited, one horse and a cart, for that the said horse and cart were then and there used and employed in the removing, carrying, and conveying a large quantity, to wit, one hundred and forty-eight gallons of British made spirituous liquors from one part of this kingdom to another part thereof, the said British made spirits so removing, carrying and conveying, not being then accompanied with authentic permits or certificates, or an authentic permit or certificate from some or one of the officers of his majesty's revenue of excise, as by the statute in such case made and provided, are directed to accompany the same when removing as aforesaid, contrary to the form of the statute in that case made and provided, whereby and by force of the statute in that case made and provided the said horse and cart became and are forfeited.

G. WOOD.

I think the horse and cart forfeited by the 15th section of 23. G. 3. c. 70. though no express words of forfeiture are used. I think forfeiture is implied, as the officers

are authorized to seize, and the seizures are to be proceeded upon, heard, and determined as other seizures, made by the officers of excise.

G. WOOD,
THAT

THAT one William Fry, on the first day of December 1784, and from thence until the day of exhibiting this information, was a rectifier of and dealer in British spirits for home consumption, to wit, at Westminster, in the said county of Middlesex, and the said William Fry so being such rectifier and dealer as aforesaid, heretofore, to wit, on the fifth day of October 1785, at Westminster, in the said county of Middlesex, did use a moveable cask for the purpose of sending out compounds, the said cask not then having its full contents in gallons legibly marked on some conspicuous part thereof, contrary to the form of the statute in that case made and provided, whereby and by force of the said statute, the said William Fry then and there being the owner of the said cask so used and not being so marked as aforesaid, hath forfeited for his said default, omission, and offence the sum of fifty pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said William Fry so being such rectifier and dealer as aforesaid, afterwards, to wit, on the said fifth day of October last past, at Westminster aforesaid, did use one other moveable cask for the purpose of keeping compounds, such last-mentioned cask not then having its full contents in gallons legibly marked on some conspicuous part thereof, contrary to the form of the statute in that case made and provided whereby and by force of the said statute the said William Fry, then and there being the owner of the said last-mentioned cask so used, and not being marked as last aforesaid, hath forfeited for his said last-mentioned default, omission, and offence, the further sum of fifty pounds.

Against a rectifier and dealer in British spirits for home consumption, for using a moveable cask for sending out compounds without having its full contents in gallons legibly marked on some conspicuous part thereof.

2d, for using a cask for keeping compounds not marked.

24. G. 3. c. 46.

24. G. 3. c. 46. f. 21.

G. Wood.

MIDDLESEX, to wit. Be it remembered that Robert Aslin one of his majesty's officers of excise, who prosecutes as well for his said majesty as for himself in this behalf, present here in court the fifteenth day of November in this same term, in his own proper person, doth as well on behalf of his said majesty as of himself give the court here to understand and be informed, that the said Robert Aslin so being such officer as aforesaid, after the fifth day of July 1786, and before the day of exhibiting this information, to wit, on the thirteenth day of September, in the year of Our Lord 1786, at Ratcliffe, in the said county of Middlesex, did seize and arrest to the use of his said majesty and himself, as forfeited, a large quantity, to wit, nine hundred and ninety-one gallons of spirits, and the casks containing the same, for that the same being spirits manufactured in that part of Great Britain called Scotland of a strength exceeding that of one to ten over hydrometer proof, were after the said fifth day of July 1786 aforesaid, and before the exhibiting of this information, to wit, on the said thirteenth day of September, in the said year of Our Lord 1786 aforesaid, shipped in that part of Great Britain called

Information for the condemnation of spirits, for that the same being manufactured in Scotland of a strength exceeding that of one to ten over hydrometer proof, were imported into the port of London, the excise strength being more than three per cent. above one to ten.

called Scotland on board a certain vessel, in order to their being sent or conveyed, and were thereby sent and conveyed from that part of the said united kingdom called Scotland, to another part of the said united kingdom, to wit, to Ratcliffe aforesaid, in the said county, and such excess of strength of the said spirits did amount to more than three pounds *per cent.* above the said strength of proof, to ten over hydrometer proof, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said spirits and the casks containing the same became and are lost and forfeited: And also for that the said spirits

2d Count, for being moved from Scotland to Ratcliffe without being accompanied with a certificate.

the same being made from materials mentioned in an act of parliament, made in the twenty-sixth year of the reign of his present majesty, intituled "An Act to discontinue for a limited Time the several Duties payable in Scotland upon Low Wines and Spirits, and upon Worts, Wash, and other Liquors there used in the Distillation of Spirits, and for granting to his Majesty other Duties in Lieu thereof," after the fifth day of July 1786, and before the day of exhibiting this information, to wit, on the said thirteenth day of September 1786, at Ratcliffe, in the said county of Middlesex, were removed by water from Scotland into another part of the united kingdom, to wit, to Ratcliffe, in the said county of Middlesex, without being accompanied by a certificate from the maker, distiller, rectifier, or compounder thereof, or his known and authorized agent, specifying the number and the respective marks of the several packages, and the quantity of gallons contained in each of such packages, and the respective degrees of strength of the spirits in each package, together with the different species or kinds of the said spirits, and without being accompanied by a regular clearance from the proper custom house in Scotland, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said spirits, together with the packages containing the same, became and are lost and forfeited: And also for that the said spirits, the same being rectified spirits, were after the said fifth day of July 1786, and before the day of exhibiting this information, to wit, on the said thirteenth day of September, in the said year of Our Lord 1786, to wit, at Ratcliffe aforesaid, in the said county, sent from that part of Great Britain called Scotland by water, into another part of the united kingdom, to wit, to Ratcliffe, in the said county of Middlesex, without being accompanied with a permit from the proper officer of excise, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said spirits, together with the casks containing the same became and are lost and forfeited. (Another Count for being found, removed, and carried without permit, on 6. Geo. 1. c. 21. l. 17.)

26. G. 3. c. 64. l. 31.

3d Count, for that the same being rectified spirits were sent from Scotland to Ratcliffe without being accompanied with a permit from a proper officer of excise.

26. G. 3. c. 64. l. 32.

G. Wood.

Easter

Easter Term, 26. Geo. III.

MIDDLESEX, to wit. Be it remembered that Thomas Groves and James Waddington, two of the officers of excise of our present sovereign lord the king, who prosecute as well for his said majesty as for themselves in this behalf, present here in court this twenty-sixth day of May in this same term in their proper persons, do as well on behalf of his said majesty as of themselves give the court here to understand and be informed, that the said Thomas Groves and James Waddington so being such officers as aforesaid, between the first day of January 1785, and the day of exhibiting this information, to wit, on the seventh day of April, in the year aforesaid, to wit, at Ratcliffe, in the said county of Middlesex, did seize and arrest to the use of their said majesty and themselves as forfeited, a large quantity, to wit, four thousand one hundred and ninety-six gallons of rum, and thirty-five casks containing the same, for that the said rum being rum of the growth, produce, and manufacture of the British sugar plantations in America, had been lodged and deposited by virtue and in pursuance of an act of parliament, made in the reign of his late majesty, intituled, "An Act to impower the Importers or Proprietors of Rum or Spirits of the British Sugar Plantations to land the same before Payment of the Duties of Excise charged thereon, and to lodge the same in Warehouses at their own Expence, and for the Relief of Ralph Barrow, in respect to the Duty on some Rock Salt lost by the overflowing of the Rivers Weaver and Dane," in certain warehouses, and had been delivered out of such warehouses as aforesaid for exportation, to wit, at Ratcliffe aforesaid, in the said county of Middlesex, and for that after the said delivery thereof from such warehouses as aforesaid, and before the shipping thereof, to wit, on the said seventh day of April, in the said year of Our Lord 1785, to wit, at Ratcliffe aforesaid, the quantity had been changed and altered, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute, the said rum and the said casks containing the same became forfeited: And also for that part of the said rum, to wit, one thousand five hundred gallons of the said rum, after the said delivery thereof from such warehouses as aforesaid, for exportation as aforesaid, and before the shipping thereof, to wit, on the same day and year last aforesaid, at Ratcliffe aforesaid, had been taken from and out of the casks in which the same was contained, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said rum and the said casks containing the same became forfeited: And also for that the said casks in which the said rum was contained, after the said delivery thereof from such warehouses as aforesaid, for exportation as aforesaid, and before the shipping thereof, to wit, on the same day and year last aforesaid, at Ratcliffe aforesaid, were wilfully opened, contrary to the form of the statute in that case made and pro-

information for the condemnation of rum and casks, the same having been lodged and deposited in warehouses and delivered out for exportation, for that after delivery and before shipping the quantity had been changed and altered.

33. G. 2. c. 28. s. 8.

2d Count, for that part of the rum after delivery and before shipping had been taken out of the casks containing the same.

33. G. 2. c. 28. s. 8.

3d Count, for that the casks containing the same, after delivery and before shipping, had been wilfully opened.

33. G. 2. c. 28. s. 8.

4th Count, for that the rum after delivery was not shipped within twelve hours.

33. G. 2. c. 28. f. 2.

vided; whereby and by force of the said statute the said rum and the said casks containing the same became forfeited: And also for that the said rum after the delivery thereof from such warehouses as aforesaid, for exportation as aforesaid, was not shipped within the space of twelve hours after the said delivery thereof, according to the form of the statute in that case made and provided; whereby and by force of the said statute the said rum and the said casks containing the same became forfeited; wherefore the said Thomas Groves and James Waddington, as well for his said majesty as for themselves pray the consideration of this court in the premises, and that the said rum, together with the casks containing the same so seized and arrested as aforesaid, may, for the reasons aforesaid, remain forfeited.

G. WOOD.

This information should have contained for altering the quality of the rum after Counts on the 33. G. 2. c. 28. f. 11. *shipping.*

For the condemnation of act of parliament, made in the parliament of our lord the now compounds and king at a session thereof holden at Westminster, in the twenty- brandy, for that sixth year of his reign, intituled, "An Act to discontinue for a certain officers of excise took the stock of a rectifier and compounder, " limited Time the Payment of Duties upon Low Wines and " Spirits for home Consumption, and for granting and securing " the due Payment of other Duties in Lieu thereof, and for the " better Regulation of the making and vending British Spirits, and found it to " and for discontinuing for a limited Time certain Imposts and " be excess in the " Duties upon Rum and Spirits imported from the West Indies," stock since the " and before the day of exhibiting this information, to wit, on the last preceding " twenty-second day of November 1787, at Westminster aforesaid, account, com- " in the said county, one John Collingsworth and one James Wil- puting the stock " at one in eight " under hydro- " meter proof and " making the al- " lowance directed " by the act.

c. 73.

THAT after thirty days from the commencement of a certain act of parliament, made in the parliament of our lord the now king at a session thereof holden at Westminster, in the twenty-sixth year of his reign, intituled, "An Act to discontinue for a limited Time the Payment of Duties upon Low Wines and Spirits for home Consumption, and for granting and securing the due Payment of other Duties in Lieu thereof, and for the better Regulation of the making and vending British Spirits, and for discontinuing for a limited Time certain Imposts and Duties upon Rum and Spirits imported from the West Indies," and before the day of exhibiting this information, to wit, on the twenty-second day of November 1787, at Westminster aforesaid, in the said county, one John Collingsworth and one James Wilson, they the said John Collingsworth and James Wilson then and there being officers of excise, did seize and take as forfeited a large quantity, to wit, one thousand seven hundred and thirty-two gallons of compounds and six hundred and twenty-eight gallons of British brandy, for that after thirty days after the commencement of the said act, and before the day of exhibiting this information, to wit, on the third day of November 1787, at Westminster aforesaid, in the said county, they the the said John Collingsworth and James Wilson so being such officers as aforesaid, did take an account of the stock of British brandy, rectified British spirits, raw British spirits, compounds, and other British spirits of one Edward Christian and one William Lewis, they the said Edward Christian and William Lewis then and there being rectifiers and compounders of spirits, and on taking such account, the stock of compounds so taken added to the quantity of compounds for which permits had been granted to the said Edward Christian and William Lewis, being such rectifiers and compounders as aforesaid, since the time of taking the last preceding account of such stock,

stock, was found to exceed the quantity of compounds found in such stock at the time of taking such last preceding account, added to the quantity since legally made or received by permit, with the allowance of thirty-five gallons on every hundred gallons so made or received, casting or computing such stock at the strength of one in eight under hydrometer proof, to a large amount, to wit, to the amount of the said one thousand one hundred and thirty-two gallons, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute, a quantity of compounds equal to the said quantity of the said compounds so found in excess, became and was forfeited and lost; whereby and by force of the said statute, the said John Collingsworth and James Wilson being the officers who discovered the said excess, seized and took the said one thousand one hundred and thirty-two gallons of compounds, being a quantity equal to the said quantity of compounds so found in excess as aforesaid, from and out of the stock of the said Edward Christian and William Lewis, where the said excess was so discovered and found: And also for that after thirty days after the commencement of the said act, and before the day of exhibiting this information, to wit, on the said third day of November, in the said year of Our Lord 1787, at Westminster aforesaid, in the said county, they the said John Collingsworth and James Wilson so being such officers as aforesaid, did take an account of the stock of British brandy, rectified British spirits, raw British spirits, compounds, and other British spirits of the said Edward Christian and William Lewis, so being such rectifiers and compounders of spirits as aforesaid, and on taking such account of the stock of British brandy so taken, added to the quantity of British brandy for which permits had been granted to the said Edward Christian and William Lewis, so being such rectifiers and compounders as aforesaid, since the time of taking the last preceding account of such stock, was found to exceed the quantity of British brandy found in such stock at the time of taking such last preceding account, added to the quantity since legally made or received by permit, with the allowance of thirty-five gallons on every hundred gallons so made or received, casting or computing such stock at the strength of one in eight under hydrometer proof, to a large amount, to wit, to the amount of the said six hundred and twenty-eight gallons, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute, a quantity of British brandy, equal to the quantity of British brandy so found in excess as aforesaid, became and was forfeited and lost; whereby and by force of the said statute the said John Collingsworth and James Wilson being the officers who discovered the said excess, seized and took the said six hundred and twenty-eight gallons of British brandy, being a quantity equal to the said quantity of British brandy so found in excess as aforesaid, from and out of the stock of the said Edward Christian and William Lewis, where the said excess was discovered and found.

26. G. 3. c. 73.
f. 28.

2d Count, same
excess in the
stock of British
brandy.

26. G. 3. c. 73.
f. 28.

Geo. Wood.
THAT

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Ld

Against a maker of British spirituous liquors, who had obtained a permit called the "Buyer's Permit," for removing British spirits to another stock, for sending and delivering the spirits unto the persons to whom they were permitted, without sending and delivering the permit with the same.

THAT between the first day of January 1786 and the day of exhibiting this information, to wit, on the twenty-ninth day of April 1786, one Joseph Rundall, he the said Joseph Rundall then and there being an officer of excise, did grant unto one Robert Lewis, he the said Robert Lewis then and there being a maker of British spirituous liquors for home consumption, a permit intitled "The Buyer's Permit," for the removal of two casks, containing two hundred and twenty gallons of British spirituous liquors, called raw molasses, spirits for home consumption, the same permit being for the removal thereof from the stock of the said Robert Lewis to the stock of certain persons known by the name and stile of Nanfon and Hankin, Stanhope-street, and in which said permit, the said officer granting the same as aforesaid, did express and limit, that the said permit should be in force one hour for the said spirits being sent out of the said Robert Lewis's stock, and two hours more for the same being delivered and received into the said persons known by the name and stile of Nanfon and Hankin's stock, yet the said Robert Lewis did not send and deliver the said permit with the said spirituous liquors, unto the said persons known by the name and stile of Nanfon and Hankin, they the said Nanfon and Hankin then and there being the buyers of the said spirituous liquors, as he ought to have done, but sent and delivered, and caused to be sent and delivered the said spirituous liquors unto the said persons known by the name and stile of Nanfon and Hankins, without sending and delivering, or causing to be sent and delivered the said permit to the said persons known by the name and stile of Nanfon and Hankins, the buyers of the said spirituous liquors, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute, the said Robert Lewis hath for his said offence forfeited double the value of the said spirituous liquors, including the duties, and the said attorney general on behalf of his said majesty avers, that double the value of the said two hundred and twenty gallons of spirituous liquors, including the duties, amount to a large sum of money, to wit, to the sum of two hundred pounds of, &c. to wit, at Westminster aforesaid.

GEO. WOOD.

Hilary Term, 27th Geo. III.

Information for the condemnation of a boat, for that the same was unlawfully used in running and conveying away spirits which had been unlawfully imported, customs and other duties not being first paid or secured.

MIDDLESEX, to wit. Be it remembered that John Saunders, one of his said majesty's officers of excise, who prosecutes as well for his said majesty as for himself, being present here in court, the fifth day of February in this same term in his proper person, doth as well on behalf of his said majesty as of himself give the court here to understand and be informed, that he the said John Saunders, so being such officer as aforesaid, between the first day of January 1786, and the day of exhibiting this information, to wit, on the twenty-seventh day of December 1786, at Ratcliffe aforesaid, in the said county of Middlesex, did seize and arrest to the

the use of his said majesty and himself as forfeited, one boat, for that a quantity, to wit, ten gallons of brandy, ten gallons of rum; and ten gallons of foreign spirits called geneva, the same being goods and merchandizes liable to the payment of customs and other duties to his said majesty, had been then and there brought and imported in a certain ship or vessel, or certain ships or vessels by persons to the said John Saunders at present unknown, from parts beyond the seas into Great Britain, and had been then and there unlawfully unshipped, with intention to be laid on land, the said customs and other duties due and payable to his said majesty for the same, not being first paid or secured, as by the statutes in that behalf made and provided is required, contrary to the form of the statute in that case made and provided; and that the said boat was then and there unlawfully used in running, carrying, and conveying away the said goods, the said customs and other duties due and payable to his said majesty for the same not being first paid or secured, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute in that behalf made and provided, the said boat became forfeited. (2d Count exactly like the 1st, but for the condemnation of another boat); wherefore the said John Saunders, as well for his said majesty as for himself, prayeth the consideration of this court in the premises, and that the said boats so seized and arrested as aforesaid may for the reasons aforesaid remain forfeited.

8. Ann, c. 7.
f. 17.

GRO. WOOD.

The right honourable lord Mount Edcombe claimed the boats, and pleaded the general issue.

3d day of July 1787, the cause was tried before lord chief baron Eyre and a special jury, and the following notes were taken by his lordship for a special verdict:

“ That the boat in the 1st Count in
“ the information mentioned was used
“ for the removing, carrying, and con-
“ veying away five gallons and a half
“ of spirituous liquors, parcel of the

“ goods in the information mentioned,
“ the customs and other duties not
“ being first paid or secured; that such
“ goods were brought on board the said
“ boat by certain passengers, and that
“ the persons who had the care and
“ conduct of the said boat, and navigat-
“ ed her, were privy and consenting
“ to such goods being brought on board.
“ Then that it is a public ferry, and
“ then your case comes in, and the
“ same as to the 2d Count taking the
“ Quantity.”

Afterwards, that is to say, on the day and at the place within Special verdict.
mentioned before Sir James Eyre, knight, lord chief baron of his majesty's court of exchequer, at Westminster within named, comes John Saunders, who prosecutes as well for himself as for his said majesty, in his proper person, as the said viscount within mentioned, by his clerk in court within named, and the jurors of the jury, whereof mention is within named, being summoned and chosen, some of them, to wit, William Hopkins, John Hall, Robert Maudley, William Fallén, John Reed, John Crotchfield, George Slater, and Gilbert Park come and are sworn upon that

jury, and because the rest of the jurors of that jury did not appear, others of those standing about the court, chosen for this purpose by the sheriff of the county aforesaid are, at the request of his majesty's attorney general; and by the command of the said chief baron newly appointed, whose name is added to the pannel within written, according to the statute in such case made and provided, which said jurors so newly appointed, to wit, Henry Lewer, John Bligh, William Watton, and George Clark, being called, likewise come, who together with the jurors aforesaid before impannelled are sworn to declare the truth touching the matters within contained, and being so sworn, say upon their oath that there now is, and from time whereof the memory of man is not to the contrary there hath been, a certain ancient passage or ferry called Crimble passage or ferry, from Mount Edgcombe in the county of Devon, over and across a certain arm of the sea, of the breadth of three quarters of a mile, unto Plymouth dock in the same county, and so back again from Plymouth dock aforesaid, to Mount Edgcombe aforesaid, for the carrying, conveying, and ferrying of all and every person or persons whatsoever requiring such carriage or conveyance over and across the said arm of the sea, and that the proprietors and owners of the said ferry by themselves, their tenants, and servants have for all the said time immemorial taken, had, and received, and have been used and accustomed to take, have, and receive, and of right ought to have taken, had, and received, from every passenger going or coming over the said arm of the sea, in their ferry boats or vessels, for such carriage or conveyance, a certain reasonable toll or duty, to wit, the sum of twopence, and have during all the time aforesaid kept and still keep at the said ferry proper and sufficient boats and vessels with proper and sufficient watermen and servants for the carrying, conveying, and ferrying of all passengers requiring such carriage or conveyance over the said arm of the sea; and the said jurors aforesaid, upon their oath aforesaid, further say, that at the time of seizing and arresting the said boats in the said information within-mentioned, the within-named right honourable viscount Mount Edgcombe was seised in his demesne as of fee of and in the said ferry, and that the said boats so seized and arrested as aforesaid, were the ferry-boats of the said ferry, used for the carrying, conveying, and ferrying of all and every person or persons whatsoever, requiring such carriage or conveyance over the said passage or ferry, kept by the said George viscount Mount Edgcombe, as owner and proprietor of the said ferry for that purpose: And the jurors aforesaid, upon their oath aforesaid, further say, that on the twenty-seventh day of December, in the year of Our Lord 1786, certain passengers on board the said ferry-boats brought with them into the said ferry-boats the quantities of foreign spirituous liquors respectively mentioned (the same being goods and merchandizes, liable to the payment of customs and other duties to his said majesty, and which has been then and there brought and imported in a certain ship or vessel, or certain ships or vessels by persons to the

said

said jurors unknown, from parts beyond the seas into Great Britain, and had been then and there unlawfully unshipped, with intention to be laid on land, the said custom and other duties due and payable to his said majesty for the same, not being first paid or secured, as by the statutes in that behalf made and provided is required, contrary to the form of the statute in that case made and provided), in order to be removed, carried, and conveyed in the said ferry-boats across the said arm of the sea, and that the watermen and boatmen who had the care and conduct of the said boats, and who navigated the said boats, at the respective times of such spirituous liquors being brought by the said passengers into such ferry-boats for the purpose aforesaid, well knew that the same were so brought as aforesaid, and that the same had been unlawfully imported and unshipped as aforesaid, and were privy and consenting to such goods, well knowing the same to have been so unlawfully brought, imported, and unshipped as aforesaid, being put and brought on board the said ferry-boats for the purposes aforesaid, and that the said boats were then and there used in removing, carrying, and conveying the said spirituous liquors, with the said passengers across the said arm of the sea, but whether upon the whole matter aforesaid, by the jury aforesaid, in form aforesaid, found the said boats were unlawfully used in removing, carrying, and conveying away the said goods in the first and second counts within-mentioned respectively, contrary to the form of the statute in that case made and provided or not, the said jury are ignorant, and pray the advice of the court in the premises, and if upon the whole matter aforesaid, in form aforesaid found, it shall appear to the court that the said boats were unlawfully used in removing, carrying, and conveying away the said goods in the said first and second counts within-mentioned respectively, contrary to the form of the statute in that case made and provided, then the said jurors upon their oath aforesaid say, that the said boats were unlawfully used in removing, carrying, and conveying away the said goods in the said first and second counts mentioned respectively, contrary to the form of the statute in that case made and provided; but if upon the whole matter aforesaid it shall appear to the court, that the said boats in the said information mentioned were not unlawfully used in removing, carrying, and conveying away the said goods in the said first and second counts of the said information mentioned respectively, contrary to the form of the statute in that case made and provided, then the jurors aforesaid, upon their oath aforesaid, say, the said boats were not unlawfully used in removing, carrying, and conveying the said goods in the said first and second counts of the said information mentioned respectively, contrary to the form of the statute in that case made and provided.

8. Ann. c. 7.
 s. 17.

GEO. WOOD.

The defendant declined arguing this verdict; the *posse* was delivered to the informant.

Against a rum importer who had imported rum from the plantations, which was put into bonded warehouses agreeable to the statute, for opening the warehouse without the proper ware-house keeper or other officer of excise (whose business it was to attend with the key to open the same) being present.

THAT one James Arbouin, on the first day of January 1783, was, and from thenceforth hitherto hath been, and still is an importer (a) and proprietor of rum and spirits of the growth, produce, and manufacture of the British sugar plantations; and as such importer and proprietor as aforesaid did, during the time aforesaid, import into this kingdom directly from some of the said sugar plantations certain rum and spirits of the growth, produce, and manufacture of the said sugar plantations, which said rum and spirits were within the time aforesaid, according to the form of the statute in that case made and provided, landed from on board the ships or vessels in which the same were so imported and carried, and put into a certain warehouse, situate and being in the parish of St. Dunstan in the East, in London, provided for that purpose at the charge of the said James Arbouin, and approved of by the commissioners of excise or the major part of them for the time being, upon the said James Arbouin, the importer of the said rum and spirits, first giving his bond or other good and sufficient security for payment of all and every the duties of excise which such rum and spirits were charged and liable to pay, according to the form of the statutes in that case made and provided: And the said James Arbouin so being the importer of such rum and spirits so lodged in such warehouse as aforesaid, during the time aforesaid, did affix one lock to such warehouse, and the key of such lock did remain in the custody of the said James Arbouin, and the officer of excise attending such warehouse did, during the time aforesaid, provide one other lock for such warehouse and did keep the key thereof; yet the said James Arbouin, so being such importer of the said rum and spirits so lodged and put into the said warehouse as aforesaid, under the direction and authority of the said act as aforesaid, during the time aforesaid, and whilst the said rum and spirits remain so lodged and put into the said warehouse as aforesaid, and before the payment of the said duty of excise due and payable for the same, and whilst the said warehouse was locked and fastened with such locks as aforesaid, to wit, on the fourteenth day of May, in the year of Our Lord 1784, at Westminster, in the said county of Middlesex, did by a certain art, device, and

(a) The importers of plantation are very few in comparison with the number of bonders of rum, and scarcely any importer bonds his rum, but they almost always sell it after the importation to dealers in spirits who bond it.

It would therefore be proper in all informations of this sort to insert a double set of counts, the first set stating the defendant to be an importer, and the second set a proprietor; for want of this precaution the crown was likely to have been turned round in this prosecution, as the defendant was not in reality an importer, but only a bonder of rum which

he bought after the importation; and the only thing which would have obviated the objection was that the crown was prepared to prove the execution of bonds which the defendant had entered into from time to time during the whole of the time mentioned in the information pursuant to the statute on bonding his rums, and these bonds stated (for all bonds of that kind do) that defendant had imported such rums, and it was imagined by Mr. Wood that this acknowledgement under his own hand and seal would stop the defendant from contending that he was not an importer.

CONTRIVANCE

contrivance, open the said warehouse, not in the presence of the proper warehouse-keeper or other officer of excise whose business it then was to attend with the key to open the same, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute in that case made and provided, the said James Arbouin hath forfeited for his said offence the sum of five hundred pounds: And the said attorney general who prosecutes as aforesaid, doth on the behalf of his said majesty further give the court here to understand and be informed, that the said James Arbouin, so being an importer and proprietor of rum and spirits of the growth, produce, and manufacture of the British sugar plantations as aforesaid, as such importer and proprietor as aforesaid, did, during the time aforesaid, import into this kingdom directly from some of the said sugar plantations certain other rum and spirits of the growth, produce, and manufacture of the said sugar plantations, which said last-mentioned rum and spirits were within the time aforesaid, according to the form of the statute in that case made and provided, landed from on board the ships or vessels in which the same were so imported and carried, and put into the said warehouse provided for that purpose at the charge of the said James Arbouin, and approved of by the commissioners of excise or the major part of them for the time being, upon the said James Arbouin, the importer of the said rum and spirits, first giving his bond or other good and sufficient security for payment of all and every the duties of excise which such last-mentioned rum and spirits were charged and liable to pay, according to the form of the statutes in that case made and provided: And the said James Arbouin so being the importer of such rum and spirits so lodged in such warehouse as last aforesaid, during the time aforesaid, did affix one lock to such warehouse, and the key of such lock did remain in the custody of the said James Arbouin, and the officer of excise attending such warehouse did, during the time aforesaid, provide one other lock for such, and did keep the key thereof; yet the said James Arbouin, so being such importer of the said last-mentioned rum and spirits so lodged and put into the said warehouse as last aforesaid, under the direction and authority of the said act as aforesaid, during the time aforesaid, and whilst the said last-mentioned rum and spirits remained so lodged and put into the said warehouse as last aforesaid, and before the payment of the said duty of excise due and payable for the same, and whilst the said warehouse was locked and fastened with such locks as aforesaid, to wit, on the first of August 1784, to wit, at Westminster aforesaid, in the said county of Middlesex, did by a certain art, device, and contrivance, open the said warehouse not in the presence of the proper warehouse-keeper or other officer of excise whose business it then was to attend with the key to open the same, contrary to the form of the statutes in that case made and provided; whereby and by force of the statute in that case made and provided, the said James

17. G. 3. c. 32.
f. 15.
25. G. 2. c. 25.
f. 1.
2d Count, for a
similar offence
on another day.

Arboun hath forfeited for his said last-mentioned offence the further sum of five hundred pounds.

GEO. WOOD.

Against distillers of British spirits, for receiving British made spirituous liquors (not being sold under the direction of the commissioners of excise) of a person not being a maker, over whose door were painted the words "distiller, rectifier, compounder of spirituous liquors," as is directed and prescribed.

THAT defendants, at the time of the committing of the offences hereinafter mentioned, were persons who then did make, distil, and rectify and compound British made spirituous liquors for sale, to wit, at Westminster, in the said county of Middlesex, and being such distillers, rectifiers, and compounders of British made spirituous liquors for sale as aforesaid, they the said defendants, after the first day of August 1781, and before the day of exhibiting this information, to wit, on the fourth day of February 1786, at Westminster aforesaid, in the said county, did receive for their use a large quantity, to wit, ten gallons of British made spirituous liquors (not being British made spirituous liquors bought or received at the public sales or any public sale of such British made spirituous liquors as had been condemned and were sold under the direction of the commissioners of excise) of one William Jones, he the said William Jones not then being a maker, distiller, rectifier, or compounder of spirituous liquors for sale, over the outward door of whose stillhouse, storehouse, warehouse, shop, cellar, vault, or other place by him made use of for the making or keeping of British made spirituous liquors were then painted the words "distiller, rectifier, or compounder of spirituous liquors," or any of them, as by an act made in the nineteenth year of the reign of his present majesty, intituled, "An Act for the more effectually preventing Frauds by private Distillers, and for the better securing the Duties on low Wines and Spirits," is directed and prescribed, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute, the said defendants have forfeited and lost for their said offence the sum of five hundred pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said defendants, being persons who so made, distilled, rectified, and compounded British made spirituous liquors for sale as aforesaid, after the first day of August 1781, and before the day of exhibiting this information, to wit, on the fourth day of February 1786, at Westminster aforesaid, in the said county aforesaid, did buy for their use another large quantity, to wit, ten gallons of other British made spirituous liquors (not being at the public sale or sales of such British made spirituous liquors as had been condemned and were sold under the direction of the commissioners of excise) of one William Jones, he the said William Jones not then being a maker, distiller, rectifier, or compounder of spirituous liquors for sale, over the outward door of whose stillhouse, storehouse, warehouse, shop, cellar, vault, or other place by him made use of for the making and keeping of British made spirituous liquors, were then painted the words "distiller, recti-

"fier,

21. G. 3. c. 55.
§ 37.

2d Count, same as the first, but for buying instead of receiving British made spirituous liquors of a person over whose door the words were not painted.

“her, or compounder of spirituous liquors,” or any of them, as by the said act made in the nineteenth year of the reign of his said majesty is directed and prescribed, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute, the said defendants have for their said last-mentioned offence forfeited and lost the further sum of five hundred pounds: (3d Count same as the second with this difference, did procure and employ one Simon French to buy for them and for their use: 4th Count same as the first, did receive for their use British made spirituous liquors of Simon French.)

GEO. WOOD.

THAT one W. I. after the fifth day of July 1782, to wit, on, &c. A. D. 1783, at, &c. in, &c. did counterfeit and forge, and cause to be counterfeited and forged, a permit and certificate for the removal of one hundred and fifty gallons of foreign brandy from one part of this kingdom to another, that is to say, from the stock of R. W. in London to W. I. at P. in the county of S. such foreign brandy then and there being an exciseable commodity, for the removal of which as aforesaid a permit or certificate was required by an act of parliament, which on the thirty-first day of October 1780, and long before was, and ever since hath been, and still is in force, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said W. I. hath for his said offence forfeited the sum of two hundred pounds: And the said attorney general who, &c. doth, &c. that the said W. I. after the fifth day of July 1782, to wit, on, &c. A. D. 1783, at, &c. in, &c. did knowingly and willingly publish and make use of a certain counterfeited and forged permit and certificate, before then counterfeited and forged by some person or persons to the said attorney general then and still unknown, for the removal of other one hundred and fifty gallons of foreign brandy from one part of this kingdom to another, that is to say, from the stock of R. W. in London to the stock of W. I. at Preston, in the county of Sussex, such foreign brandy then and there being an exciseable commodity, for the removal of which as aforesaid a permit or certificate was required by an act of parliament, which on the thirty-first day of October 1780, and long before was, and ever since hath been, and still is in force, contrary to the form of the statute in that case made and provided; whereby and by force of, &c.: And the said attorney general who, &c. doth, &c. that the said W. I. after the said fifth of July 1782, to wit, on, &c. at, &c. did knowingly and willingly accept and receive a certain false and untrue permit or certificate for the removal of other one hundred and fifty gallons of foreign brandy from one part of this kingdom to another, that is to say, from, &c. to, &c. such foreign brandy then and there being an exciseable commodity, for the removal of which as aforesaid a permit or certificate was required by an act of, &c. which on, &c. long, &c.

Information for forging a permit and certificate for the removal of foreign brandy for which a permit was necessary.

22. G. 3. c. 68. f. 26.

2d Count, for knowingly using a counterfeited permit.

22. G. 3. c. 68. f. 26.

3d Count, for knowingly accepting a forged permit with a quantity of foreign brandy.

4th Count, for knowingly using an untrue permit for the removal of a quantity of brandy from one stock to another.

&c. to accompany such exciseable commodity so to be removed as aforesaid, contrary to, &c. whereby, &c. : And the said attorney general who, &c. doth, &c. that the said W. I. after, &c. to wit, on, &c. at, &c. did knowingly and willingly publish and make use of a false and untrue permit or certificate for the removal of, &c. to accompany other one hundred and fifty gallons of, &c. from, &c. to, &c. that is to say, from, &c. to, &c. such foreign brandy then and there being, &c. for the removal of which as aforesaid a permit or certificate was, &c. contrary, &c. whereby, &c.

GEO. WOOD.

Information against a brandy-dealer, for knowingly receiving a false permit with a quantity of brandy which had been removed from one place to another.

THAT one J. P. late of, &c. in &c. dealer in brandy, after the making of a certain act of parliament, made at the parliament of our lord the now king, at a session thereof holden at Westminster, in the county of Middlesex, in the twenty-third year of his reign, intituled, "An Act," &c. (set out the title) and after the twenty-ninth of September which was A. D. 1783, in that act mentioned, and before the day of exhibiting this information, to wit, on, &c. A. D. 1783, did knowingly and willingly accept and receive a certain false and untrue permit with a certain exciseable commodity, that is to say, a certain large quantity, to wit, two hundred and ninety-three gallons of brandy, which had been then and there removed from one part of this kingdom to another part thereof, and for the removal of which a permit was by a certain act of parliament in force at the making of the said first-mentioned act required, and which said false and untrue permit is in the words and figures following (set out the permit), contrary to the form of the

23. G. 3. c. 70. f. 10.

2d Count, for knowingly using a counterfeited permit for the removal of brandy.

statute in that case made and provided; whereby and by force of the said statute the said J. P. hath forfeited the sum of five hundred pounds: And the said attorney general who, &c. doth, &c. that the said J. P. after the twenty-ninth day of September A. D. 1783, and before the day of exhibiting this information, to wit, on, &c. at, &c. knowingly and willingly did publish and make use of a certain other counterfeited, forged, false, and untrue permit for the removal of an exciseable commodity, to wit, brandy, from one part of this kingdom to another part thereof, for the removal of which a permit or certificate was by an act of parliament in force at the making of the first-mentioned act required, and which said last-mentioned counterfeited, false, forged, and untrue permit is in the words and figures following (set out the permit), contrary to, &c. whereby, &c.

23. G. 3. c. 70. f. 10.

Information against a dealer in brandy to whom a permit had been granted for the removal of two gallons of brandy, for altering the word two to the word twelve, and the figure two to the figure twelve.

THAT after the making of a certain act of parliament, made at the parliament of our lord the now king, at a session thereof holden at Westminster, in the county of Middlesex, in the twenty-third year of his reign, intituled, "An Act for the

“ more effectual preventing the illegal Importation of Foreign
 “ Spirits, and for putting a stop to the private Distillation of
 “ British made Spirituous Liquors, for the explaining such Part of
 “ the Act imposing a Duty on Male Servants as relates to the right
 “ of appeal from the Justices of the Peace to amend and rectify
 “ a Mistake in an Act of the last Session of Parliament with respect
 “ to the removal of Tea from one Part of this Kingdom to other
 “ Parts thereof, and for preventing vexatious Actions against
 “ Officers of Excise acting in pursuance of the Authority given by
 “ Excise Statutes,” and after the twenty-ninth day of September
 1783, in that act mentioned, and before the day of exhibiting
 this information, to wit, on, &c. at, &c. in, &c. a certain permit
 was given and granted by one T. H. the said T. H. then and
 there being the proper officer of excise for giving and granting
 the same, whereby one cask of foreign brandy, quantity two
 gallons, part of the stock of H. S. in the city of York, was per-
 mitted and authorized to be removed from the said H. S.’s stock
 there to J. L.’s stock at M. in the county of York, the said
 brandy then and there being an exciseable commodity, and for
 the removal of which a permit was by a certain act of parliament
 in force at the making of the first-mentioned act of parliament
 required, and which said permit for the said two gallons of brandy
 was then in the words, cyphers, and figures following, that is to
 say (set out the permit), and that the said H. S. late of the city
 of York, brandy-dealer, after the said permit had been so given
 and granted as aforesaid, to wit, on, &c. at, &c. did fraudulently
 alter the said permit by falsely making and altering the word two
 in the said permit to the word twelve, and by falsely altering and
 making the number two into the number twelve, whereby the
 said permit by means of such alterations did import to be a permit
 for the removal of twelve gallons of brandy, contrary to the form
 of the statute in that case made and provided; whereby and by
 force of the said statute the said H. S. hath forfeited the sum of
 five hundred pounds: And the said attorney general, who, &c.
 doth, &c. that after the twenty-ninth of September which was
 A. D. 1783, and before the day of exhibiting this information, to
 wit, on, &c. at, &c. a certain other permit was given and granted
 by one T. H. the said T. H. then and there being the proper
 officer for giving and granting the same, whereby one cask of
 foreign brandy, quantity two gallons, part of the stock of H. S.
 of the city of York, was permitted and authorized to be removed
 from the said H. S.’s stock there to J. L.’s stock at M. in the
 county of York, the said brandy then and there being an excise-
 able commodity, for the removal of which a permit was by a
 certain act of parliament in force at the making of the said first-
 mentioned act required, and which said last-mentioned permit for
 the said two gallons of brandy was then and there in the words,
 cyphers, and figures following, that is to say (set out the permit),
 and that some person or persons to the said attorney general at
 present unknown, after the said permit had been so given and
 granted

23. G. 3. c. 70.
f. 10.

ad Count, that
a permit for two
gallons had been
altered for a per-
mit of twelve,
that defendant
used the false
permit for a true
one.

granted as aforesaid, to wit, on, &c. at, &c. did fraudulently alter the same permit by falsely making and altering the word two in the same permit into the word twelve, and by falsely making and altering the number two into the number twelve, whereby the said last-mentioned permit by means of such alterations did import to be a permit for the removal of twelve gallons of brandy: And the said attorney general further gives the court here to understand and be informed, that the said H. S. afterwards, to wit, on, &c. at, &c. the said last-mentioned permit so fraudulently altered as aforesaid, did knowingly and willingly publish as a true permit, contrary to, &c. whereby, &c.

23. G. 3. c. 70.
C. 10.

GEO. WOOD.

Information against a foreign brandy dealer who had received British spirits into his possession, for not keeping his British spirits in a separate cellar from his foreign spirits.

THAT C. H. after the twenty-fifth day of March 1722, that is to say, on, &c. at, &c. and long before, was, and from thence hitherto hath been, and still is a dealer in foreign brandy, spirits, and strong waters, to wit, at, &c. in, &c. and that the said C. H. so being such dealer in foreign brandy, spirits, and strong waters as aforesaid, afterwards, to wit, on, &c. at, &c. did receive into his custody a large quantity, to wit, thirty-five gallons of British spirits, yet the said C. H. did not keep the same separate and apart and in a separate cellar or cellars, vault or vaults, or other place or places from his foreign brandy and spirits, but on the contrary thereof, one J. H. one of his majesty's officers of excise, afterwards, to wit, on, &c. at, &c. did discover and find the said British spirits in the cellar of the said C. H. so being such dealer in foreign brandy, spirits, and strong waters as aforesaid, where the said C. H. so being such dealer as aforesaid, then and there had and kept certain large quantities of foreign brandy, spirits, and strong waters, contrary to the form of the statute in that case made and provided; by reason whereof and by force of the said statute the said C. H. hath forfeited for his said offence the sum of seventeen pounds ten shillings, being the sum of ten shillings for every gallon of the British spirits so there found.

3. G. 1. c. 18.
C. 11.

GEO. WOOD.

I think it would be proper to add a count for bringing into stock without

notice to the officer of excise.

GEO. WOOD.

Information for the condemnation of soap, for that the same was found lodged with intent to defraud his majesty of the duties thereon.

MIDDLESEX, to wit. Be it remembered that R. A. one of the officers of his majesty's revenue of excise, who prosecutes as well for his said majesty as for himself, cometh before the barons of his majesty's exchequer the 27th day of October, in the twenty-sixth year of the reign of king George the Third, in his proper person, and as well for his said majesty as for himself giveth the court here to understand and be informed, that W. W. one of the officers of his majesty's duties of excise, and for the duties on soap, according to the statutes in that case made and provided,

provided, on, &c. entered into a certain workhouse of one T. G. at, &c. in, &c. and did then and there find, seize, take, and carry away as forfeited, six thousand pounds weight of soap, for that the said soap was then and there found lodged with intent to defraud his majesty of the duty chargeable thereon, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said soap became forfeited: And the said W. W. so being such officer as aforesaid, on, &c. at, &c. in, &c. did seize six thousand pounds weight of soap, for that the said soap was then and there found in a private workhouse made use of by the said T. G. a maker of soap, for the making and keeping of soap, for which workhouse no entry had been made or notice given at the office for the duties on soap next to the place where the said soap was made, as by the statute in that case made and provided are required, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said soap became forfeited and lost: And also for that the said soap was then and there found in a private boiling-house made use of by the said T. G. being a maker of soap, for the keeping and boiling oil, tallow, pot-ash, lime, and other materials proper to be made into soap, for which no entry had been made or notice given at the office for the duties on soap next to the place where the said soap was made, contrary to the form of, &c. whereby and by force of the said statute the said soap became forfeited and lost; wherefore the said R. A. as well for his said majesty as for himself prayeth the consideration of the court in the premises, and that the said soap so seized and arrested as aforesaid may for the reasons aforesaid remain forfeited.

5. G. 3. c. 43. f. 22.
ad Count, for that the same was found in a private workhouse used by a maker of soap for keeping and making soap, of which no entry had been made or notice given.
6. An. c. 19. f. 19. 3d Count, for being found in a boiling-house used for boiling materials for making soap, of which no entry had been made or notice given.
10. Ann. c. 19. f. 19.

GEO. WOOD.

THAT after the twentieth of September 1784, and before the day of exhibiting this information, to wit, on, &c. defendants were makers of hard soap, and being such makers of hard soap, they the said defendants, after the twentieth day of September 1784, and before the day of exhibiting this information, to wit, on, &c. at, &c. did sell a large quantity, to wit, five hundred pounds weight of hard soap in other shapes and forms than the shapes or forms of cakes or bars, and not being what was commonly called or known by the name of ball soap, contrary to the form of, &c. whereby and by force of the said statute the said defendants have forfeited for their said offence the sum of one hundred pounds: And the said attorney general who, &c. doth, &c. that the said defendants being such makers of hard soap as aforesaid after the twentieth of September 1784, and before the day of, &c. to wit, on, &c. at, &c. did cut up for sale a large quantity, to wit, one thousand pounds weight of hard soap which had been put into frames, from a boiling of hard soap made by them the said defendants, and that a large quantity, to wit, five hundred pounds weight of scraps and parings of hard soap was made from the

Information against makers of hard soap, for selling hard soap in other shapes and forms than the shapes or forms of cakes or bars, and not being ball soap.
24. G. 3. c. 48. f. 14.

ad Count, for not returning scraps and parings of hard soap into the copper in the presence of the officer.

the said cutting up the said one thousand pounds weight of hard soap for sale, yet the said defendants did not return the said scraps and parings into the copper or boiler in the presence of the officer immediately after the said one thousand pounds weight of hard soap had been cut up for sale from the said frames into which it had been put from the said boiling so by them the said defendants made as aforesaid, according to the form of, &c. whereby, &c.

GRO. WOOD.

Information against a maker of soap for hiding and concealing soap with intent to defraud the king of his duties.

THAT one J. W. after the sixteenth day of April, A. D. 1786, and before the day of exhibiting this information, to wit, on, &c. A. D. 1786, at, &c. was a maker of soap, and that the said J. W. so being such maker of soap as aforesaid, on, &c. at, &c. in, &c. did fraudulently hide and conceal, and cause to be hid and concealed a large quantity, to wit, two hundred and thirty pounds weight of soap, chargeable with certain duties by an act of parliament made in the tenth year of the reign of our late sovereign lady queen Anne (amongst other things) for laying several duties upon all soap made in Great Britain or imported into the same, and by another act of parliament made in the twelfth year of the reign of her said late majesty (amongst other things) for laying additional duties upon soap, to the intent to deceive his majesty of the just duties by the said acts granted, contrary to the form of the statute in that case made and provided, by reason whereof and by force of the said statute the said J. W. hath forfeited for his said offence the sum of five hundred pounds: And the said attorney general who, &c. (2d Count for hiding, &c. a large quantity of "materials" for making of soap "chargeable:") And the said attorney general who, &c. doth, &c. that the said J. W. so being such maker of soap as aforesaid within the time aforesaid, to wit, on, &c. at, &c. did make use of a certain workhouse for the making of soap without giving notice thereof in writing at the office for the duties on soap next to the place where the said last-mentioned soap was made, contrary to the form of the statute, &c. whereby, &c.: And the said attorney general who, &c. (4th Count same as third, but for "keeping" instead of "making" soap): And the said attorney general who, &c. doth, &c. that the said J. W. after the twenty-fourth day of June 1777, and before the day of exhibiting, &c. to wit, on &c. did make a large quantity, to wit, two hundred and thirty pounds weight of soap, which soap according to the statute in that case made and provided, he the said J. W. being the maker of the said last-mentioned soap, or his chief workman or servant employed in making the same ought to have entered in writing on oath at the next office for the duties on soap; yet the said J. W. not regarding the statute in that case made and provided, did not make, nor did his chief workman or servant employed in making the same make a true entry in writing at the next office for the duties

1. O. 1. stat. 2. c. 36. f. 14.

2d Count, for hiding a quantity of materials.
3d Count, for using a workhouse for making of soap without notice.

20. Ann, c. 19. f. 6.

4th Count, same as third nearly.
5th Count, for not making entry by himself or servant in writing on oath of a quantity of soap made by defendant within the week in which the same was made.

On soap, of the said last-mentioned soap by him made within the week in which the said last-mentioned soap was made, according to the form of the statute, &c. whereby, &c.

GEO. WOOD.

THAT the defendants, at the time of the committing of the offence next hereinafter mentioned, were makers of hard soap, and being such makers of hard soap as aforesaid, they the said defendants after the twenty-fourth of June 1772, and before the day of exhibiting of this information, to wit, on, &c. at, &c. did by a certain art, device, or contrivance, open and cause to be opened a certain copper of them the said defendants, and by them the said defendants then and there used in the boiling and making soap, after the same had been securely locked and sealed down by the officer of excise, and before the same had been unlocked and opened by the officer of excise in that behalf, contrary to the form of the statute in that case made and provided; whereby and by force of the said last-mentioned statute the said defendants, so being such makers of hard soap, have for their said offence forfeited the sum of one hundred pounds: And the said attorney general who, &c. doth, &c. that the said defendants, after the twenty-fourth day of June 1777, to wit, on, &c. at, &c. did by a certain art, device, and contrivance, open the furnace-door of a certain copper then of them the said defendants, they the said defendants then and there being makers of hard soap, and the said last-mentioned copper being then and there used by them the said defendants for the boiling and making soap after the same had been locked and secured by the officer of excise who surveyed them, the said defendants so being such makers of hard soap as aforesaid, and before the same had been unlocked and opened by the officer of excise, contrary to the form of the statute, &c. whereby, &c.: And the said attorney general who, &c. doth, &c. that the said defendants, at the time of the committing of the offences hereinafter mentioned, were makers of soap chargeable with certain rates and duties payable to the use of his said majesty: And the said defendants so being such makers of soap as last aforesaid, they the said defendants, after the twenty-fourth day of June 1725, and before the day of exhibiting of this information, to wit, on, &c. at a place out of the weekly bills of mortality, to wit, at, &c. in, &c. did begin to make and work upon a making of soap without first giving to the officer of the division or place where such making of soap was intended to be made, and was so begun to be made and worked upon as aforesaid, a notice in writing by the space of twenty-four hours next before the beginning of such making of the particular time and hour when and which such making was intended to be begun, contrary to the form of the statute, &c. whereby, &c.

Information against makers of hard soap, for opening a copper used in making soap, after the same had been locked and sealed down by the officer of excise, and before the same was opened by the officer of excise. 12. G. 3. c. 46. f. 7.

17. G. 3. c. 52. f. 8.

24 Count, for beginning to make and work upon a making of soap out of the weekly bills without notice.

11. G. 1. c. 36. f. 33.

GEO. WOOD.

THAT

Information against a maker of soap for removing and sending away soap of which no account had been taken by the proper officer, without giving two days notice of his intention, that the officer might have had time to take an account of the same.

10. Ann. c. 19.
§ 16.

2d Count, for making use of a vessel called a tub for putting soap into when taken out of the copper, the vessel not being a square or oblong vessel.

THAT one J. E. after the tenth of June 1712, and before the day of exhibiting of this information, to wit, on, &c. at, &c. was a maker of soap, and being such maker of soap as aforesaid, he the said J. E. did remove, carry, and send away, and suffer to be removed, carried, and sent away a large quantity, to wit, two hundred pounds weight of soap by him made in Great Britain out of the limits of the weekly bills of mortality, of which said last-mentioned soap no account had been first taken by the proper officer for the duties on soap from the place where the said last-mentioned soap had been made, without giving to the proper officer or officers two days notice at the least of his the said J. E.'s intention to remove, carry, and send away the said last-mentioned soap, that so the officer (without his wilful neglect or default) might have had time to have gauged, weighed, or otherwise have taken an account of such soap, contrary to the form of the *statute* in that case made and provided; whereby and by force of the said statute the said J. E. hath for his said offence forfeited the sum of twenty pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said J. E. before and at the time of committing the offence hereinafter mentioned was a maker of hard soap, and the said J. E. so being such maker of hard soap as aforesaid, he the said J. E. after the fifth day of July 1765, and before the day of, &c. to wit, on, &c. at, &c. did make use of a certain vessel called a tub for the cleaning and putting his the said J. E.'s soap into when taken out of the copper or other utensil where the same was boiled and prepared, such vessel not being a regular square or oblong frame, contrary to the form of the *statute*, &c. whereby, &c.

5. G. 3. c. 43.
§ 19.

Information against a maker of hard soap for making hard soap before he had found a sufficient cover to a copper wherein he made hard soap.

5. G. 3. c. 43.
§ 15.

2d Count, that an officer had provided fastenings for securing a copper in which defendant boiled hard soap and paid for the same, but defendant refused to pay for such fastenings.

THAT the defendant after the fifth day of July 1765, and before the day of exhibiting of this information, to wit, on, &c. was a maker of hard soap, and being such maker of hard soap as aforesaid, he the said defendant did presume to make hard soap before he had found, provided, and affixed a sufficient wooden cover (approved of in writing by and under the hand writing of the surveyor or supervisor of excise of the division or district in which he the said defendant resided) to a certain copper wherein he boiled or made such hard soap, contrary to the form of the *statute*; whereby and by force of the said statute the said defendant hath for his said offence forfeited the sum of twenty pounds: And the said attorney general who, &c. doth, &c. that the said defendant so being such maker of hard soap as aforesaid, after the said fifth day of July 1765, to wit, on, &c. at, &c. A. B. being the surveyor or supervisor of excise of the division or district in which the said defendant resided, provided necessary fastenings for securing a certain copper of the said defendant, wherein the said defendant boiled and made hard soap, according to the form of the *statute* in that case made and provided; and that the said G. I. did

did then and there necessarily expend in providing such fastenings a certain sum of money, to wit, the sum of four shillings of lawful money of Great Britain, whereof the said defendant afterwards, to wit, on, &c. there had notice from the said E. J. and was then and there required by the said G. J. to pay for the same, yet the said defendant, not regarding the statute in that case made provided, hath not paid for such fastenings, but then and there refused to do, contrary to the form of the *statute* in that case made and provided; whereby, &c.

5. G. 3. c. 43.
l. 15.

THAT one J. J. on, &c. A. D. 1778, and long before was, and from thence hitherto hath been, and still is a maker of hard soap, chargeable with duties to his majesty by virtue of the statutes in that case made and provided, to wit, at, &c. in, &c.; and that the said J. J. being such maker of hard soap as aforesaid, after the fifth day of July 1765, to wit, on, &c. at, &c. did make use of a certain frame for the cleansing and putting his soap into when taken out of the copper or other utensil where the same was boiled and prepared, such frame not being a regular square or oblong frame, and also such frame at the time of making use thereof exceeding and being more than forty-five inches in length, and fifteen inches in the breadth thereof, contrary to the form of the *statute* in such case made and provided; whereby and by force of the said statute the said J. J. hath forfeited the sum of twenty pounds.

Information against a maker of hard soap for using a frame for putting soap into when taken out of the copper, such frame not being a regular square or oblong frame, and exceeding statute dimensions.
5. G. 3. c. 43.
l. 19.

THAT defendants after the twenty-fourth of June 1777, and before the exhibiting this information, to wit, on, &c. at, &c. were makers of hard soap, and being such makers of hard soap, they the said defendants afterwards, to wit, on, &c. at, &c. did damp and draw the fire from under a certain copper which had been used by them the said defendants; and thereupon so soon as the said fire was damped and drawn from under such copper, one J. G. he the said J. G. then and there being the officer of excise who surveyed the said defendants, so being such soap-makers as aforesaid, afterwards, to wit, on, &c. at, &c. was then and there about to securely lock and fasten the furnace door of the said copper with certain locks, keys, and fastenings which had been before that time duly provided by the respective surveyor or supervisor of excise of the district wherein the said defendants resided, for securing such copper; yet the said defendants not regarding the statute in that case made and provided, did refuse to permit the said J. G. so being such officer of excise who surveyed the said defendants, to lock and secure the furnace door of the said copper with such locks, keys, and fastenings as aforesaid, and did hinder the said J. G. in locking and securing the same therewith, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said de-

Information against makers of hard soap for damping and drawing the fire from under a copper which had been used in the boiling of soap, and of which an excise officer was about to lock and fasten the furnace door, but the defendant refused to permit the officer to lock and fasten the same, and hindered him in locking it.

17. G. 3. c. 52.
l. 7.

defendants hath for their said offence forfeited the sum of fifty pounds: And the said attorney general who, &c. doth, &c. that the said defendants after the twentieth of September 1786, and before the exhibiting this information, to wit, on, &c. at, &c. were makers of hard soap, and being such makers of hard soap, they the said defendants afterwards, to wit, on, &c. did obstruct and hinder the said J. G. he the said J. G. then and there being the officer of excise who surveyed the said defendants as such makers of soap as aforesaid, in securing, locking, fastening, and sealing down a certain cover of a certain copper of them the said defendants, so being such makers of hard soap by them used for the boiling and making soap, which the said J. G. was then and there about to do in the execution of the power and authority to him given by the statute in that case made and provided, the same copper not then being at work nor opened for repairing the same, nor for the inspection of any officer or officers of excise, contrary to the form of the *statute*, &c.; whereby, &c.

24. G. 3. c. 48.
f. 9.

G. Wood.

Information against defendant, who with his partner, had a boil of soap in operation, for offering a bribe to an officer to allow defendants to take soap out of the copper and clandestinely to remove the same, and afterwards giving the officer a guinea.

THAT one W. C. after the twenty-fourth day of June 1725, and before the day of exhibiting of this information, to wit, on, &c. at, &c. was an officer of our lord the king of and for the duties due and payable to our said lord the king for and in respect of soap made in Great Britain, duly constituted and appointed, to wit, at, &c. in, &c.; and that one J. K. and the defendant at the same time were makers of soap in Great Britain, liable to the payment of certain duties to our said lord the king for and in the respect of soap by them made as aforesaid, to wit, at, &c.; and the said J. K. and defendant so being such makers of soap as aforesaid, afterwards, to wit, on, &c. at, &c. had in operation a boiling of soap in a certain copper of them the said J. K. and defendant, liable to the payment of duties to our said lord the king; yet the said defendant well knowing the premises, but being a person of a wicked and corrupt mind, and having no regard for the laws and statutes of this realm, nor fearing the penalties therein contained, but unlawfully, wickedly, and corruptly devising, designing, and intending to defraud our said the king for his duties on soap, after the twenty-fourth day of June 1725, and before the day of exhibiting of this information, to wit, on, &c. at, &c. in order to corrupt, persuade, and prevail upon the said W. C. so being such officer as aforesaid, to allow the said defendant to take soap out of the said copper, and to convey the same clandestinely away, with intent to defraud his said majesty of the duties imposed by the statute in that case made and provided for and in respect of such soap, contrary to the duty of the said W. C. did offer to give to the said W. C. so being officer as aforesaid, a certain bribe, gratuity, and reward; and the said defendant did afterwards, to wit, on, &c. at, &c. accordingly give to the said W. C. so being such officer as aforesaid, a certain bribe, gratuity, and reward,

reward, that is to say, the sum of one guinea, contrary to the form of the *statute* in that case made and provided; whereby and by force of the said statute the said defendant hath for his said offence forfeited the sum of five hundred pounds: *And* the said attorney general who, &c. doth, &c. that the said W. C. forbearing such officer for the duties due and payable to our said lord the king for and in respect of soap made in Great Britain as afore-
11. G. 1. c. 30
 f. 40.
 said; and the said J. K. and defendant, so being such makers of soap in Great Britain, liable to the payment of duties to our said lord the king for and in respect of soap made by them made as afore-
ad Count, same
 as the 1st; but
 for offering a
 bribe to an offi-
 cer to prevail
 on him to con-
 nive at a fraud
 which defen-
 dant was about
 to commit, by
 taking soap out
 of the copper
 and clandestine-
 ly removing the
 same, and giv-
 ing the officer a
 guinea.
 said; and the said J. K. and defendant so then and there having in operation the said boiling of soap in the said copper of them the said J. K. and defendant, liable to the payment of duties to our said lord the king, he the said defendant well knowing, &c. but being a person of, &c. and having no regard for, &c. nor fearing, &c. unlawfully, &c. to defraud our said lord the king of his duties on soap, after the said twenty-fourth day of June 1725, and before the day of exhibiting of this information, to wit, on, &c. at, &c. in order to corrupt, persuade, and prevail upon the said W. C. so being such officer as afore-
3d Count same
 as 2d; but for
 offering a bribe
 to an officer to
 prevail on him
 to connive at a
 fraud which de-
 fendant had
 committed, by
 taking soap out
 of the copper
 and removing
 the same.
 said, to connive at a fraud relating to the said duties on soap which the said defendant was then and there about to commit, by taking soap out of the said copper and clandestinely carrying away the same, whereby his said majesty would be defrauded of his duties thereon, contrary to the duty of the said W. C. did offer to give to the said W. C. so being such officer as afore-
 said, a certain bribe, gratuity, and reward; and the said defendant did afterwards, to wit, on, &c. at, &c. accordingly give, &c. (as the 1st Count to the end): *And* the said attorney general who, &c. doth, &c. that the said W. C. so being such officer for the duties due and payable to our said lord the king for and in respect of soap made in Great Britain as afore-
 said; and the said J. K. and defendant so being such makers of soap in Great Britain, liable to the payment of certain duties to our said lord the king for and in respect of soap made by them as afore-
 said; and the said J. K. and defendant so then and there having in operation the said boiling of soap in the said copper of them the said J. K. and defendant, liable to the payment of duties to our said lord the king, he the said defendant well knowing, &c. but being a person of, &c. and having no regard for, &c. nor fearing, &c. but unlawfully, &c. to defraud our said lord the king of his excise on soap, after the twenty-fourth day of June 1725, and before the day of exhibiting, &c. to wit, on, &c. at, &c. in order to corrupt, persuade, and prevail upon the said W. C. so being such officer as afore-
 said, to connive at and conceal a fraud relating to the said duties which the said defendant had then and there committed, by taking soap out of the said copper and clandestinely removing the same to defraud his majesty of the duties payable thereon, contrary to the duty of the said W. C. did give to the said W. C. so being such officer as afore-
 said, a certain bribe, gratuity, and reward, that is to say, the sum of

4th Count, same as 3d nearly.

5th Count, for bribing an officer to conceal a fraud defendant had committed by taking soap out of the copper and removing the same, whereby the provisions relative to soap might be and were evaded and broken.

24. G. 3. c. 47. f. 52.

one guinea, contrary to the form of, &c. whereby, &c.: And the said attorney general who, &c. doth, &c. (4th Count same as 3d, but stating the fraud to have been committed by the defendant and J. K.): And the said attorney general who, &c. doth, &c. that the said J. K. and defendant being such soap-makers as aforesaid, he the said defendant being a person of a wicked and corrupt mind, and having no regard for, &c. nor fearing, &c. after the first day of October 1784, and before the day of, &c. to wit, on, &c. did give a certain bribe, recompence, and reward to the said W. C. that is to say, the sum of one guinea to him the said W. C. to conceal and connive at the said defendants having clandestinely removed and carried away part of a boiling of soap of them the said J. K. and defendant before any duties had been charged upon, and with an intent to defraud his said majesty of such duties, whereby the provisions made by the statutes relative to his majesty's excise, imposing duties on soap made in Great Britain, might be and were evaded and broken, contrary to the form of the *statute*, &c. whereby, &c.: And the said attorney general who, &c. (6th Count like the 5th, stating the officer's concealing at defendants, and J. K's clandestine removal of goods.)

GEORGE WOOD.

Mich. Term, 30. Geo. III.

Information for condemning sword blades and scabbards, being utensils of war imported without licence.

1. Jac. 2. c. 8. f. 62. Sword blades only.

MIDDLESEX, to wit. Be it remembered that sir Archibald Macdonald, knight, his majesty's attorney general, who prosecutes for his said majesty, being present here in court on the sixth of November in this same term, doth on the behalf of his said majesty inform this court, that A. R. and J. B. officers of his said majesty's customs, between the first day of December 1786, and the day of exhibiting this information, at, &c. in, &c. within the port of London, did seize and arrest for the use of his said majesty as forfeited several parcels of sword blades and scabbards of the goods and merchandizes of merchants unknown; for that the same being utensils of war, were within the time aforesaid imported and brought from parts beyond the seas into Great Britain, to wit, to, &c. in, &c. within the port of London aforesaid, by way of merchandize without licence from his majesty in that behalf first had and obtained, contrary to the form of the *statute* in that case made and provided; by reason whereof the said several parcels of sword blades and scabbards became forfeited; wherefore his majesty's said attorney general on the behalf of his said majesty prayeth the consideration of this court in the premises, and that the said several parcels of sword blades and scabbards may for the reasons aforesaid remain forfeited, according to the form of the statute in that case made and provided.

Information recorded.

MIDDLESEX. Be it remembered that sir Archibald Macdonald, knight, his majesty's attorney general, who prosecutes for his said majesty, being present here in court the sixth day of November,

November, in this same term, doth, &c. (set out the whole of the information to the end): Whereupon proclamation being made here in court for his said majesty as usual, that if any one would inform the court here why the said goods and merchandizes should not for the reasons aforesaid remain forfeited, he might come and he should be heard; and no one appearing to do this the court directs that it be given in charge to T. P. and T. A. gentlemen, his majesty's commissioners in the port of London, by a writ of his present majesty, under the seal of this exchequer, to cause the said goods to be justly and faithfully valued and appraised, on the oaths of good and lawful men of the county of Middlesex, and to cause an indenture thereof to be made, so that they should return a counterpart of the said indenture here, &c. to be delivered to the court here; and it is commanded the said officers in form as aforesaid, so as, &c. on the sixth of November, in this term, at which day the said T. A. and T. P. return here the said writ, together with an indenture annexed thereto, which are on the file of writs executed for his said majesty of this term in the office of the remembrancer, the tenor of which indenture is as follows: This indenture, made the second day of November A. D. 1789, and in the thirtieth year of the reign of our sovereign lord George the Third, by the grace of God of, &c. witnesseth that we T. P. and T. A. his majesty's commissioners in the port of London, by a virtue of a writ from his majesty's court of exchequer to us directed and hereunto annexed, have upon the corporal oaths of R. S. and J. J. lawful men of the county of Middlesex, viewed, numbered, weighed, valued, and appraised the goods hereinafter mentioned (to wit), the following goods being appraised are to be publicly sold or burnt by order of the honourable commissioners of his majesty's customs, and in pursuance of an act of parliament of the third year of the reign of his present majesty, number, date, officers where seized, and for what cause forfeited, package, quantity, quality, and species of goods, value appraised at, total amount of each seizure, l. s. d. six hundred and forty, May eighth, 1789, Alexander Ramsay, John Barnes on board, prohibited one box, one hundred and sixty-eight sword blades and scabbards, all sixty-eight pounds, 68*l*.; nine hundred and four, June thirtieth, Alexander Ramsay Body, ditto, concealed ninety-seven ostrich feathers, thirty plumes of ditto, all twenty-eight pounds fourteen shillings, 28*l*. 14*s*.; seven hundred and sixty-four pounds twelve shillings, Alexander Sabarg, ditto, ditto, three pieces of nankeen cloth, two damaged, all two pounds eight shillings, 2*l*. 8*s*.; one box three pounds and a half of rhubarb, all one pounds one shilling, 1*l*. 1*s*.; 103*l*. 3*s*. total amount of goods appraised, and to be publicly sold or burnt as above mentioned, is one hundred pounds three shillings: In witness whereof we have hereunto interchangeably set our hands and seals the day and year first above written; Richard Snow, (L. S.)

Proclamation.

Writ of appraisement.

Indenture of appraisement set out.

3. G. 3.

James Tipson, (L. S.) Thomas Pearce, (L. S.) Thomas Alderton, (L. S.): Whereupon proclamation being again made here in court for his said majesty, as is usual, that if any one would inform the court here why the said goods and merchandize, parcel of the said goods and chattels in the said indenture of appraisement specified, and in the said information also mentioned, should not for the reasons aforesaid remain forfeited, he might come and he should be heard: And thereupon one Michael Beaggini appears here by Craven Ord, his clerk, in court, and claims the property of the goods in the said information mentioned, parcel of the said goods and chattels in the said indenture of appraisement specified to belong to him, and prayethoyer of the said information, and it is read to him; which being read, and by him heard and understood, he complained to have been grievously vexed and molested under colour of the premises; and this the less justly, because protesting that the said information and the matters therein contained are insufficient in law, whereto he hath no need, nor is he bound by the law of the land to answer; nevertheless for plea the said Michael Biaggini saith, that the said goods in the said information mentioned, parcel of the said goods and chattels in the said indenture of appraisement specified, were not nor was any part thereof brought and imported from parts beyond the seas into Great Britain, contrary to the form of the statute in that case made and provided, in manner and form as by the information is alledged; and of this he putteth himself upon the country, and the said attorney general likewise; therefore the court directs that an inquisition be taken in the premises.

Information against makers of stone-blue for receiving into their possession loose starch.

26. G. 3. c. 52.
1. 24.

MIDDLESFX, to wit. Be it remembered that sir Archibald Macdonald, knight, his majesty's attorney general, who prosecutes for his said majesty, being present here in court the first day of July, in this same term, in his proper person, doth on behalf of his said majesty give the court here to understand and be informed, that George Adams and James Mylne, long before and at the time of committing the several offences hereinafter mentioned, were makers of stone-blue for sale, to wit, at Westminster, in the said county of Middlesex; and the said George Adams and James Mylne so being such makers of stone-blue for sale as aforesaid, they the said George Adams and James Mylne after the twenty-fourth day of June 1786, and before the day of exhibiting this information, and whilst they were such makers of stone-blue for sale as aforesaid, that is to say, on the thirty-first day of January 1789, to wit, at Westminster aforesaid, in the said county, did receive into their possession a large quantity, to wit, six hundred pounds weight of loose starch, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said George Adams and James Mylne have for their said offence forfeited ten shillings for every pound

pound weight of such loose starch so received into their possession as aforesaid, amounting in the whole to a large sum of money, to wit, to the sum of three hundred pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said George Adams and James Mylne so being such makers of stone-blue for sale as aforesaid, they the said George Adams and James Mylne afterwards, and after the said twenty-fourth day of June 1786, and before the day of exhibiting this information, whilst they were such makers of stone-blue for sale as aforesaid, to wit, on the said thirty-first day of January, in the said year of Our Lord 1789, to wit, at Westminster aforesaid, in the said county, did receive into their possession a large quantity, to wit, six hundred pounds weight of scrapings of starch, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said George Adams and James Mylne have for their said last-mentioned offence forfeited the further sum of ten shillings for every pound weight of such scrapings of starch so received into their possession as aforesaid, amounting in the whole to another large sum of money, to wit, the sum of other three hundred pounds: And the said attorney general who prosecutes as aforesaid, doth on behalf of his said majesty further give the court here to understand and be informed, that the said George Adams and James Mylne so being such makers of stone-blue for sale as aforesaid, they the said George Adams and James Mylne after the said twenty-fourth day of June 1786, and before the day of exhibiting this information, whilst they were such makers of stone-blue for sale as aforesaid, to wit, on the said thirty-first day of January 1789, to wit, at Westminster aforesaid, in the said county, did receive into their possession a large quantity, to wit, six hundred pounds weight of starch in papers not stamped as by the statute in that case made and provided is required, contrary to the form of the statute in that case made and provided; whereby and by force of the said statute the said George Adams and James Mylne have for their said last-mentioned offence forfeited the further sum of ten shillings for every pound weight of such last-mentioned starch so received into their possession in papers not stamped as aforesaid, amounting in the whole to another large sum of money, to wit, to the sum of other three hundred pounds; wherefore his majesty's said attorney general on behalf of his said majesty prayeth the consideration of this court in the premises, and that the said several sums of money so forfeited by the said George Adams and James Mylne in the behalf aforesaid may be adjudged to his said majesty; and that the said George Adams and James Mylne may appear here in court to answer concerning the said several offences and concerning the said several sums of money.

ad Count, for receiving into their possession scrapings of starch.

3d Count, for receiving into their possession starch in papers not stamped as the statute requires.

Issue on the plea
of not Guilty.

Middlesex. Be it remembered that, &c. (set out the whole of the information): Whereupon it is determined that the said George Adams and James Mylne be commanded by a writ of our lord the king under the seal of this exchequer for their appearance here, and this under the penalty of one hundred pounds, which if they do not, and so forth; and the said George Adams and James Mylne are commanded in form aforesaid, so as and so forth, on the morrow of All Souls; at which day the said George Adams and James Mylne appear here by William Lane, their clerk, in court, and pray oyer of the said information, and it is read to them; which being read, and by them heard and fully understood, they complain to have been grievously vexed and molested under colour of the premises; and this the less justly, because protesting that the said information and the matters therein are insufficient in the law, whereto they need not nor are they bound by the law of the land to answer; for plea nevertheless the said George Adams and James Mylne say, that they are not, nor is any of them guilty of all, any, or either of the offences in the said information specified, by them supposed to have been committed, contrary to the form of the statute in the said information mentioned in manner and form as in and by the said information is charged, and of this they put themselves, and each of them putteth himself on the country, and his majesty's said attorney general likewise; therefore let an inquisition be taken in the premises.

To Mr. Thomas Jee and Mr. William Dunn, officers
of excise.

(a) Notice of
action for seizing
a quantity of
hair-powder.

I DO hereby, as and for Mr. William Wilkie, of Haddington, in the county of East Lothian, in that part of Great Britain called Scotland, hair powder maker (according to the statute in such case made and provided), give you notice of his intention to bring, and that he will by me his attorney at or soon after the end of one *calendar* month from your being served with this notice, bring an action against you in his majesty's court of king's bench or common pleas, at Westminster, in the county of Middlesex, for your having on or about the twenty-eighth day of June last seized, taken, and carried away divers goods and chattels of him the said William Wilkie, to wit, three thousand pounds weight of hair powder and two casks containing the same of large value, to wit, of the value of one hundred pounds, and kept and detained the same from thence hitherto, and converted and disposed thereof to their own and otherwise than to the use of the said William Wilkie, whereby he hath been hindered and prevented from selling and disposing of the same, and hath wholly lost and been deprived of all profit, benefit, and advantage that would have arisen and accrued to him from such sale, as well as

(a) The following are Civil Proceedings removed from the other courts to the plea side of the exchequer, and relating to the Excise.—I have added them here for practical use.

otherwise

otherwise been injured in his trade and business. Dated this twenty-eighth day of July 1789.

Yours, &c. A. B.
of Ely-place, near Holborn, in the
county of Middlesex, attorney of
and for the above-named William
Wilkie.

The notice must be served one calendar month before action commenced, and the action must be commenced within three lunar months.

Middlesex, to wit. Thomas Jee (served by the name of Thomas Gee) and William Dunn were attached to answer William Wilkie of a plea wherefore the said Thomas and William Dunn, of the parish of Saint Botolph Aldgate, in the county of the said William Wilkie, of a large value, there found and being, and kept and detained the same, and caused and procured the same to be kept and detained for a long space of time, whereby the said William Wilkie hath for and during that time been hindered and prevented from selling and disposing of the said goods and chattels, and hath wholly lost and been deprived of all profit, benefit, and advantage that would have arisen and accrued to him from such sale, and hath been also thereby otherwise greatly injured and damaged in his trade and business of a starch and hair powder maker, to wit, at the parish aforesaid, in the county aforesaid; and also wherefore the said Thomas Jee and William Dunn, at the parish aforesaid, in the county aforesaid, with force and arms, &c. seized, took, and carried away other goods and chattels of the said W. W. of a large value, there found and being, and converted and disposed thereof to their own use, and other wrongs to the said W. W. did, to the great damage of the said W. W. and against the peace of our said lord the now king, &c. : And thereupon the said W. W. by A. B. his attorney, complains that the said Thomas and William Dunn, on the twenty-eighth day of June last, at the parish of Saint Botolph, Aldgate, in the said county, with force and arms, seized, took, and carried away the goods and chattels, to wit, three thousand pounds weight of hair powder, and three thousand pounds weight of other powder, and two wooden casks containing the same, of the said W. W. of a large value, to wit, of the value of one hundred pounds, there then found and being, and kept and detained the same, and caused and procured the same to be kept and detained for a long space of time, to wit, from thenceforth hitherto, whereby the said W. W. had been for and during all that time hindered and prevented from selling and disposing of the said goods and chattels, and hath wholly lost and been deprived of all profit, benefit, and advantage that would have arisen and accrued to him from such sale, and hath been also thereby otherwise greatly injured and damaged in his trade and

Declaration (in trespass) for seizing hair powder and casks, and keeping and detaining the same.

NOTICE.—SUBPCENA.—HAIR POWDER.

and business of a starch and hair powder maker, to wit, at the parish aforesaid, in the county aforesaid: And also that the said Thomas Jee and William Dunn, on the same day and year aforesaid, at the parish aforesaid, in the county aforesaid, with force and arms, &c. seized, took, and carried away other the goods and chattels, to wit, three thousand pounds weight, &c. of the said W. W. of a large value, to wit, of the value of one hundred pounds, there then found and being, and converted and disposed thereof to their own use, and other wrongs to the said W. W. there then did, to the great damage of him the said W. W. and against the peace of our said lord the king; wherefore the said W. W. saith that he is injured, and hath sustained damage to the value of three hundred pounds, and therefore he brings his suit, &c.

In the exchequer.

WILLIAM WILKIE,

plaintiff,

and

THO. JEE and WM. DUNN, defendants.

Notice of applying to have this cause, removed into the plaintiff's side of the exchequer.

Take notice that this honourable court will be moved on Tuesday next, or so soon after as counsel can be heard, that the action above mentioned, brought in his majesty's court of common pleas, at Westminster, may be removed from thence into the office of pleas of this court, and that all further proceedings thereon may be staid until the determination of the information now depending, touching the seizure of the starch or hair powder in question. Dated this thirteenth day of November 1789.

Yours, &c.

M. W. MAYOR.

Solicitor for the defendants.

To A. B. attorney or agent for the plaintiff.

Subpcena and order of removal, with stay of proceedings.

George the Third, &c. to William Wilkie and your attorney or solicitor, greeting: We command and strictly enjoin you, that all excuses apart, you fulfil, do, and perform all and every the matters and things specified and contained in a certain order of our court of exchequer, at Westminster, made this day, the tenor of which order, for your better information in the premises, we have sent you hereto annexed; and this you omit not under the penalty of one hundred pounds, which if you neglect this our command we shall cause to be levied to our use on your goods and chattels, lands, and tenements. Witness Sir James Eyre, knight, at Westminster, the seventeenth day of November, in the thirtieth year of our reign. By the said order and by the barons.

ELLIOT.

In a certain book of orders of this exchequer, to wit, among the orders of Michaelmas term, in the thirtieth year of the reign of king George the Third, the page, remaining in the said exchequer, and there in the custody of the king's remembrancer, is contained as follows, to wit.

Tuesday, seventeenth day of November 1789.

Between { WILLIAM WILKIE, plaintiff,
and
Tho. JEE and WM. DUNN, defendants.

Upon the motion of George Lewis Newnham, esquire, one of his majesty's counsel on behalf of the above-named defendants, Order of removal. informing the court that the defendant Thomas Jee being by virtue of a commission or constitution under the hands and seals of the major part of the commissioners of excise, bearing date the fifteenth day of January 1771, appointed to the office or employment of an officer or gauger of excise, and other duties under the management of the commissioners of excise, and that the said Thomas Jee had ever since such his appointment to the said office continued to be and still is in the actual exercise thereof, and further informing the court that the said Thomas Jee, together with the other defendant William Dunn, who is another officer of excise, did on the first day of July 1789, seize to the use of his majesty as forfeited, at Hawley's Wharf, within the port of London, two thousand five hundred and seventy-one pounds of loose starch, which they since returned in an indenture of appraisement unto this honourable court for condemnation, and that the plaintiff had commenced an action against the defendants in his majesty's court of common pleas for making such seizure, and had delivered a declaration therein, and that the cause of such action was only upon account of such seizure and no other: It was therefore prayed that the action so commenced by the plaintiff in his majesty's court of common pleas against the defendants may be removed from thence into the office of pleas of this court, and that all further proceedings might be staid until the seizure in question be first determined: Whereupon and on reading the affidavit of the defendant Thomas Jee, and the declaration thereto annexed, and also the affidavit of Thomas Miller of service of notice of this motion on A. B. the plaintiff's attorney in the said action, it is ordered by the court that the said action be removed as prayed, and all further proceedings therein stayed, until after a trial should be had of the seizure in question in this court, and that the plaintiff W. W. be, and he is hereby enjoined from proceeding any further in the said action in the said court of common pleas, or in this court till after such trial had as aforesaid.

ELLIOT.

To

Notice of action
for entering a
dwelling house,
starch house,
and premises,
making a noise,
and disturbance,
digging holes,
&c.

24. G. 3. c. 70.

To John Saunders, Thomas Groves, and Robert Assin-
I DO hereby, as attorney of and for Mr. John Tye, of, &c.
in, &c. starch-maker (according to the statute in that case made
and provided), give you notice of his intention to bring, and
that he will by me his attorney, at or soon after the end of one
calendar month from your being served with this notice, bring
an action against you in his majesty's court of common pleas, at
Westminster, for your having on or about the fourteenth day of,
&c. forcibly entered into his dwelling house, starch house, and
premises, situate at, &c. in, &c. and made a noise and disturbance
therein for a long time, to the interruption of the said Mr. John
Tye and his family, and during that time with pickaxes and other
instruments dug up the pavement of the starch house and three
hogsties of the said John Tye, situate as aforesaid, and with cer-
tain iron instruments perforated and made divers holes and pits
therein, and dug up the floor of a certain stove house of the said
John Tye, situate as aforesaid, and otherwise much damaged
the same, and the coals and other things of the said John Tye
in the said premises tossed and threw about, and trampled upon
and destroyed the vegetables and shrubs growing in the said gar-
den of the said John Tye, situate as aforesaid, and seized, took,
and carried away, divers vegetables and shrubs there growing,
and also broke and entered into the said dwelling house, and with
an iron crow and other instruments broke open several doors of
the said John Tye in his said dwelling house, and the locks, bolts,
or hinges wherewith they were fastened tore to pieces and de-
stroyed, and the wainscoting and floors of these rooms with
cutlasses, swords, and bayonets, pierced, cut, and broke to pieces,
and continued in the said dwelling house a long time rummaging,
searching, and examining the beds, drawers, boxes, and other
furniture and things therein being, and threw, tumbled, and
tossed such furniture from place to place; and also for your hav-
ing affrighted and ill-treated the wife of the said John Tye,
whereby she became sick and disordered, and also assaulted and
ill treated him the said John Tye, and levelled and brandished
pistols, cutlasses, bayonets, and other dangerous and offensive
weapons at, against, and towards him the said John Tye, and
threatened to shoot him therewith, to the great terror, appre-
hension, danger, and fright of the said John Tye, and whereby
he the said John Tye was hindered and prevented from selling
to one A. B. divers hogs, which he was about to sell and dis-
pose of, and whereby he the said John Tye was further hin-
dered and prevented from following and carrying on his busi-
ness, and considerably hurt in his credit and reputation, and
whereby one T. C. forthwith called upon and obliged the said
John Tye to pay certain arrears of rent sooner than he would
otherwise have been obliged to discharge the same. Dated this
seventeenth day of April 1789.

Yours, &c.

A. B.

Attorney for the above-named John Tye.
In

In the exchequer.

TYE,
against

plaintiff,

SAUNDERS, GROVE, and ASLIN, defendants.

Sir,

Take notice that this honourable court will be moved on Friday next, or as soon after as counsel can be heard, that the action above mentioned, brought in his majesty's court of common pleas, at Westminster, may be removed from thence into the office of pleas of this court, the defendants being officers of his majesty's revenue of excise, and being sued in the said action for a trespass (if any) committed by them in the execution of their duty as such officers. Dated this third day of November 1789.

Notice of applying to have this cause removed into the exchequer.

E. W.

for the above-named defendants.

To A. B. attorney or agent for the plaintiff.

George the Third, &c. to John Tye and your attorney and solicitor, greeting: We firmly enjoin you and every of you, that all excuses ceasing, immediately after the receipt of this our writ or notice, thereof by you or either of you had, you do perform, execute, and fulfil all and singular the matters and things which are required to be by you done, performed, executed, and fulfilled in and by a certain order made by the barons of our exchequer, at Westminster, this day (the tenor whereof is hereunto annexed), according to the true intent and meaning of the said order, and hereof you are not to fail on pain of one hundred pounds, which we shall cause to be levied on your goods and chattels, lands and tenements, to our use, if you neglect to obey this our command. Witness, Sir James Eyre, knight, at Westminster, this seventh day of November, in the thirtieth year of our reign. By the said order made the same day and by the barons,

Subpoena, and order for removal.

ELLIOT.

It is found in a certain book of orders of this exchequer, of Michaelmas term, in the thirtieth year of the reign of his present majesty king George the Third, remaining in the custody of his said majesty's remembrancer, (among other things) as follows:

Saturday, the seventh day of November 1789. Touching an action brought by John Tye against John Saunders, Thomas Groves, and Robert Aslin.

Upon the motion of Mr. Partridge, one of his majesty's counsel on behalf of the above-named J. S. T. G. and R. A. informing the court that the said J. S. T. G. and R. A. were officers of excise, and that the said John Tye had commenced an action against them as such officers of excise in his majesty's court of common pleas, as by the declaration served on them appeared; it

was

was therefore prayed that the said action might be removed out of the said common pleas into the office of pleas of this court, and be in the same forwardness in this court as in the same court of common pleas; on reading the affidavit of the said T. G. and the declaration hereto annexed, it is ordered by the court that the said action be, and the same is hereby removed out of the said court of common pleas into the office of pleas of this court, and that the same be as forward in the said office of pleas as the same now is in the said court of common pleas; and it is further ordered that the said John Tye be, and he is hereby enjoined and commanded not to proceed any further in the said action in the said court of common pleas.

ELLIOT.

Declaration (against officers of excise for breaking and entering plaintiff's dwelling house, out-houses, &c. making a noise and disturbance therein, breaking open doors, locks, &c. searching the beds, drawers, tossing about the furniture, assaulting defendant and his wife, tearing up the pavement of plaintiff's hogsties, trampling upon and destroying vegetables, whereby defendant was hindered in his business; his wife became sick, and he also prevented from selling his hogs, &c.

Middlesex, to wit. Thomas Groves, late of Westminster, in the county of Middlesex, inspector of excise, John Saunders, late of the same place, officer of excise, were attached to answer John Tye in a plea of trespass; wherefore they the said Thomas, J. Saunders, and Robert, at the parish of Saint Mary-le-bone, in the said county of Middlesex, with force and arms, &c. broke and entered certain premises of the said J. Tye, there situate, lying, and being, consisting of a messuage or dwelling house, starch house, stove-house, yard, garden, and divers out-houses and hogsties, at and in which said premises the said John Tye then dwelt and resided, and exercised and carried on his trade and business of a starch-maker, and staid and continued in and upon the said premises for a long space of time, and during all that time made a great noise and disturbance therein, and also during that time with pickaxes, iron crows, and other instruments broke open, damaged, and injured divers doors of and belonging to the said messuage or dwelling house, and to the rooms and apartments thereof, together with the locks, bolts, hinges, and fastenings wherewith the same were respectively locked, shut, and fastened; and there searched and examined the said rooms and apartments, and the beds, drawers, boxes, and other furniture of him the said John Tye therein being, and there threw, tumbled, and tossed about the same, and there in and upon the said house and premises of the said John Tye assaulted and ill treated him the said John Tye and Mary his wife, and levelled and brandished pistols, cutlasses, bayonets, and other dangerous and offensive weapons at, against, and towards him the said John Tye, and threatened to shoot him therewith, and there dug up, tore up, and damaged the pavement in and of the said starch house and hogsties of him the said J. Tye, and there made divers holes and pits therein, and also then dug up and damaged the floor and other parts in and of the said stove house of the said John Tye, and the coals and other things of the said John Tye there then found and being tossed and threw about, and there trampled

trampled upon and destroyed the vegetables and shrubs growing in the said garden of the said J. Tye of a large value, and seized, took, and carried away divers other vegetables and shrubs there also growing and being of a large value; whereby and by reason of which said several premises he the said John Tye and his family were greatly terrified, affrighted, and alarmed, and his said wife became and was for a long time rendered sick and indisposed, and the said J. T. was actually interrupted and disturbed in the possession and occupation of his aforesaid premises, and in the exercise of his aforesaid business of a starch-maker, but was also hindered and prevented from selling to one Bird

divers hogs which he was then and there about to sell and dispose of, and which the said B. would otherwise have bought of him, and one James Twaites forthwith called upon and obliged the said John Tye to pay certain arrears of rent sooner than he would otherwise have done: And also wherefore they the said

Thomas, J. S. and R. with force and arms, &c. at the parish aforesaid, in the county aforesaid, broke and entered certain other premises of the said J. T. consisting of a dwelling house, yard,

garden, and divers other outhouses, erections, and buildings, situate, lying, and being in the parish and county aforesaid, and there made a great noise and disturbance therein, and staid and continued therein making such noise and disturbance therein for a long

space of time, and during that time broke open and damaged divers doors in, of, and belonging to the said last-mentioned premises, and searched and examined the same and the rooms and apartments thereof, and also there dug up, tore up, injured, and

damaged the floors, wainscotings, and pavements, in and of the said premises, to the great interruption and disturbance of him the said John Tye and his family in the possession and occupation

of the said last-mentioned premises: And also wherefore they the said Thomas, John Saunders, and Robert, with force and arms,

at the parish aforesaid, in the county aforesaid, made another assault on the said John Tye, and there again beat, bruised, wounded, and ill treated him, and there again threatened and menaced him with death and bodily hurt and injury: And also

wherefore they the said Thomas, John Saunders, and Robert, with force and arms, at the parish aforesaid, in the county aforesaid, seized, took, and carried away divers other goods and chattels of the said John Tye there then found, and being of a

large value: And also wherefore they the said Thomas, J. S. and Robert, with force and arms, &c. at the parish aforesaid, in the county aforesaid, with force and arms, &c. broke and entered a certain other messuage or dwelling house of the said John Tye, there situate, and there made another assault on the said Mary, the wife of him the said John Tye (she the said Mary then and there being pregnant and with child), and there again beat, bruised, wounded, and ill treated her, and there threatened and menaced her with bodily hurt and injury, whereby the said Mary became and was for a long time ill and indisposed, and was ultimately delivered

of a dead child.

And also wherefore they the said Thomas, J. S. and Robert, with force and arms, &c. at the parish aforesaid, in the county aforesaid, made another assault on the said John Tye, and there again beat, bruised, wounded, and ill treated him, and there again threatened and menaced him with death and bodily hurt and injury: And also

wherefore they the said Thomas, John Saunders, and Robert, with force and arms, at the parish aforesaid, in the county aforesaid, seized, took, and carried away divers other goods and chattels of the said John Tye there then found, and being of a

large value: And also wherefore they the said Thomas, J. S. and Robert, with force and arms, &c. at the parish aforesaid, in the county aforesaid, with force and arms, &c. broke and entered a certain other messuage or dwelling house of the said John Tye, there situate, and there made another assault on the said Mary, the wife of him the said John Tye (she the said Mary then and there being pregnant and with child), and there again beat, bruised, wounded, and ill treated her, and there threatened and menaced her with bodily hurt and injury, whereby the said Mary became and was for a long time ill and indisposed, and was ultimately delivered

of a dead child.

And also wherefore they the said Thomas, J. S. and Robert, with force and arms, &c. at the parish aforesaid, in the county aforesaid, made another assault on the said John Tye, and there again beat, bruised, wounded, and ill treated him, and there again threatened and menaced him with death and bodily hurt and injury: And also

wherefore they the said Thomas, John Saunders, and Robert, with force and arms, at the parish aforesaid, in the county aforesaid, seized, took, and carried away divers other goods and chattels of the said John Tye there then found, and being of a

large value: And also wherefore they the said Thomas, J. S. and Robert, with force and arms, &c. at the parish aforesaid, in the county aforesaid, with force and arms, &c. broke and entered a certain other messuage or dwelling house of the said John Tye, there situate, and there made another assault on the said Mary, the wife of him the said John Tye (she the said Mary then and there being pregnant and with child), and there again beat, bruised, wounded, and ill treated her, and there threatened and menaced her with bodily hurt and injury, whereby the said Mary became and was for a long time ill and indisposed, and was ultimately delivered

of a dead child.

And also wherefore they the said Thomas, J. S. and Robert, with force and arms, &c. at the parish aforesaid, in the county aforesaid, made another assault on the said John Tye, and there again beat, bruised, wounded, and ill treated him, and there again threatened and menaced him with death and bodily hurt and injury: And also

wherefore they the said Thomas, John Saunders, and Robert, with force and arms, at the parish aforesaid, in the county aforesaid, seized, took, and carried away divers other goods and chattels of the said John Tye there then found, and being of a

large value: And also wherefore they the said Thomas, J. S. and Robert, with force and arms, &c. at the parish aforesaid, in the county aforesaid, with force and arms, &c. broke and entered a certain other messuage or dwelling house of the said John Tye, there situate, and there made another assault on the said Mary, the wife of him the said John Tye (she the said Mary then and there being pregnant and with child), and there again beat, bruised, wounded, and ill treated her, and there threatened and menaced her with bodily hurt and injury, whereby the said Mary became and was for a long time ill and indisposed, and was ultimately delivered

of a dead child.

2d Count nearly same as the 1st, not stating special damage.

3d Count, for an assault on defendant.

4th Count, seizing and carrying away vegetables.

5th Count, for an assault on plaintiff's wife, being pregnant, who in consequence thereof was delivered of a dead child.

Declaration.

vered of a dead child; by means thereof the said John Tye was long time lost and was deprived of her society and assistance; was put to great expence about her cure, and other wrongs; the said John Tye there did, against the peace of our said king, and to the great damage of him the said John Tye. And thereupon the said J. Tye by A. B. his attorney, complained for that the said Thomas, John Saunders, and Robert before, to wit, on the fourteenth day of April, in the year of our Lord 1789, in the parish of Saint Mary-le-bone, in the county of Middlesex aforesaid, with force and arms, &c. broke and entered certain premises of the said John Tye, there situate, lying, and being, consisting of a messuage or dwelling house, starch house, stove house, yard, garden, and divers, to wit, five out-houses and three hogsties (at and in which said premises the said J. Tye then dwelt and resided, and exercised and carried on his trade and business of starch-maker), and staid and continued in and upon the said premises for a long space of time, to wit, for the space of twelve hours, and during all that time made a great noise and disturbance therein, and also during that time there with pickaxes, iron crows, and other instruments broke open, damaged, and injured divers, to wit, ten doors of and belonging to the said messuage or dwelling house, and to the rooms and apartments thereof, together with the locks, bolts, hinges, and fastenings wherewith the same were then and there respectively locked, shut, and fastened, and then and there searched and examined the said rooms and apartments, and the beds, drawers, boxes, and other furniture of him the said John Tye therein being, and then and there therein tumbled and tossed about the same, and then and there in and upon the said house and premises of the said John Tye assaulted and ill treated him the said J. Tye and Mary his wife, and then and there levelled and brandished pistols, cutlasses, bayonets, and other dangerous and offensive weapons at, against, and towards him the said John Tye, and threatened to shoot him therewith, and then and there dug up, tore up, and damaged the pavement in and of the said starch house and hogsties of him the said John Tye, and then and there made divers, to wit, five holes and five pits therein, and also then and there dug up and damaged the floor and other parts in and of the said starch house of the said J. Tye, and the coals and other things of the said J. Tye there then found and being, tossed and threw about, and then and there trampled upon and destroyed divers, to wit, five hundred vegetables and five hundred shrubs growing in the said garden of the said John Tye of a large value, to wit, of the value of fifty pounds, and then and there seized, took, and carried away divers, to wit, five hundred other vegetables and five hundred other shrubs then and there also growing, and being of a large value, to wit, of the value of fifty pounds; whereby and by reason of which said several premises he the said John Tye and his family were greatly terrified, affrighted, and alarmed, and his said wife became and was for a long time, to wit,

to wit, for the space of three months rendered sick and indisposed, and the said John Tye was not only interrupted and disturbed in the possession and occupation of his aforesaid premises, and in the exercise of his aforesaid business of a starch-maker, but was also then and there hindered and prevented from selling to one

Bird divers hogs which he was then and there about to sell and dispose of, which the said Bird would otherwise have

bought of him the said John Tye, and one James Twaites forthwith called upon and obliged the said John Tye to pay certain arrears of rent sooner than he otherwise would have done, to wit, at the parish aforesaid, in the county aforesaid: And also for that 2d Count.

the said Thomas, John Saunders, and Robert heretofore, to wit, on the day and year aforesaid, in the parish aforesaid, in the county aforesaid, with force and arms, &c. broke and entered certain other premises of the said John Tye, there situate, lying, and being, consisting of a dwelling house, yard, garden, and divers other outhouses and buildings, and then and there made a great noise and disturbance therein, and then and there staid and continued therein, making such noise and disturbance therein for a long space of time, to wit, for the space of twelve hours, and during all that time last mentioned there broke open and damaged divers, to wit, ten doors in, of, and belonging to the said last-mentioned premises, and then and there searched and examined the same, and the rooms and apartments thereof, and also then and there dug up, tore up, injured, and damaged the floors, waincots, hinges, and pavements in and of the said premises, to the great interruption and disturbance of him the said John Tye and his family in the possession and occupation of the said last-mentioned premises: And also for that they said John, Thomas,

and Robert heretofore, to wit, on the day and year aforesaid, in the parish aforesaid, in the county aforesaid, with force and arms, &c. made another assault on the said John Tye, and then and there again beat, bruised, wounded, and ill treated him, and then and there again threatened and menaced him with death and bodily hurt and injury: And also for that they the said Thomas, 3d Count.

John Saunders, and Robert heretofore, to wit, on the day and year aforesaid, in the parish aforesaid, in the county aforesaid, with force and arms, &c. seized, took, and carried away divers other goods and chattels, to wit, five hundred vegetables and vegetable roots, and five hundred shrubs of the said John Tye there then found and being of a large value, to wit, of the value of fifty pounds: And also for that the said Thomas, John Saunders, 4th Count.

and Robert heretofore, to wit, on the day and year aforesaid, in the parish aforesaid, in the county aforesaid, broke and entered a certain other messuage or dwelling house there situate, and then and there made another assault on the said Mary, the wife of him the said John Tye (she the said Mary then and there being pregnant and with child), and then and there again beat, bruised, wounded, and ill treated, and then and there threatened and me-

naced her with bodily hurt, whereby and by reason of which said several premises she the said Mary, the wife of the said John Tye, became and was for a long time, to wit, for the space of six months, sick, ill, and indisposed, and was ultimately delivered of a dead child, to wit, at the parish aforesaid, in the county aforesaid; and by reason thereof he the said John Tye for a long time, to wit, for and during all the time last aforesaid, lost and was deprived of her society and assistance, and was put to great expence, to wit, the sum of fifty pounds in and about her cure, and other wrongs to the said John Tye then and there did, against the peace of our said lord the king, and to the damage of him the said John Tye of two thousand pounds; and therefore he brings his suit, &c.

END OF THE FOURTH VOLUME.

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